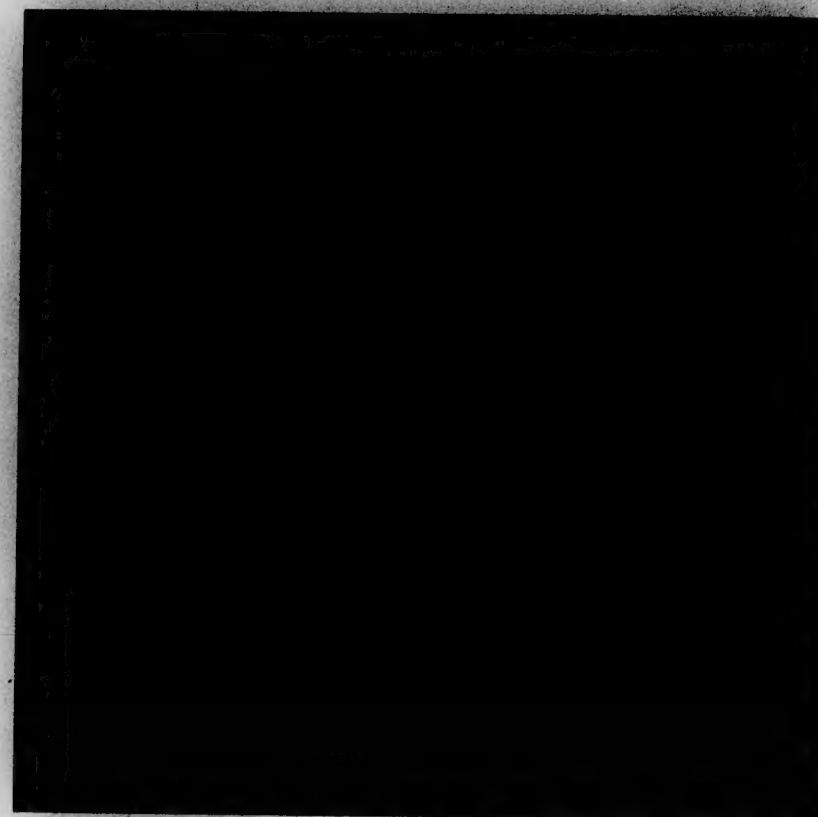
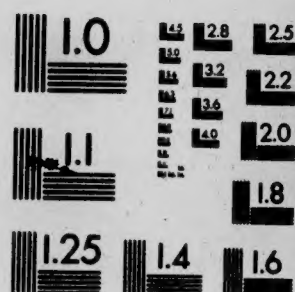
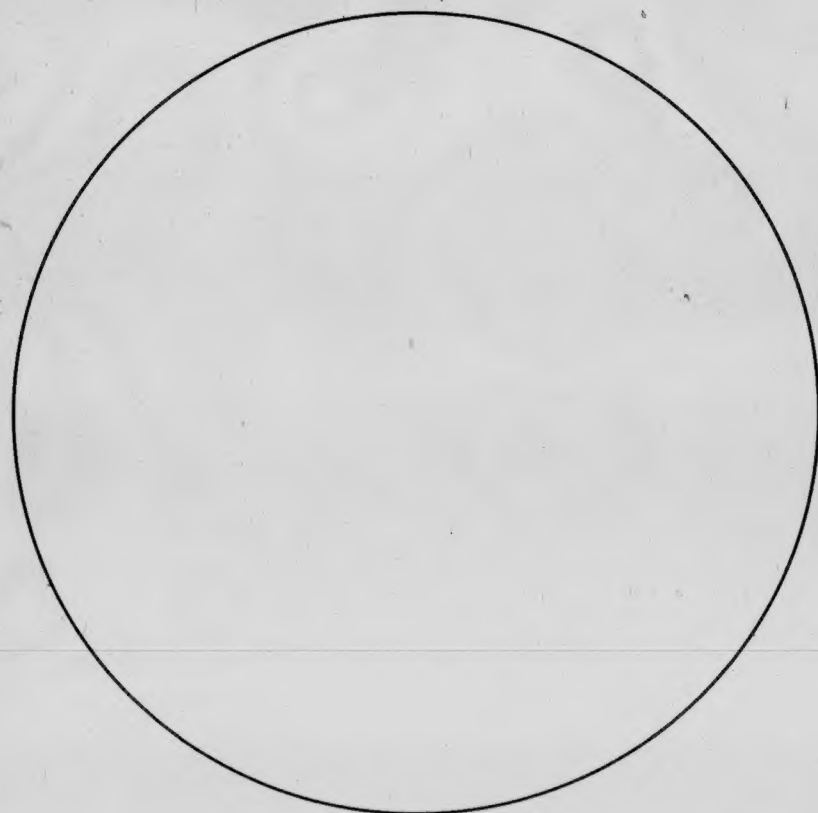
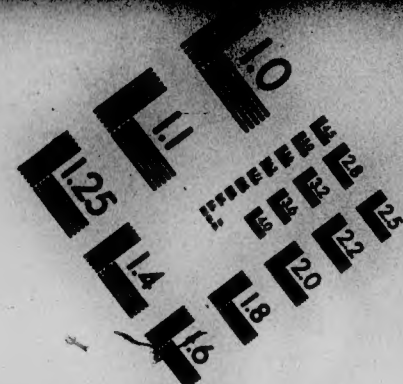
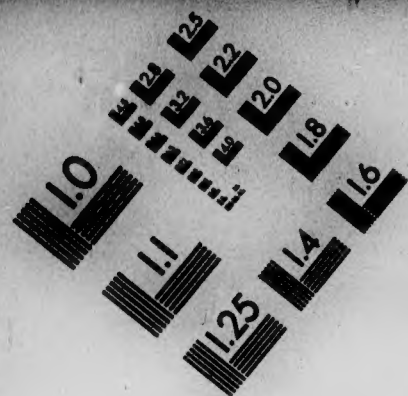
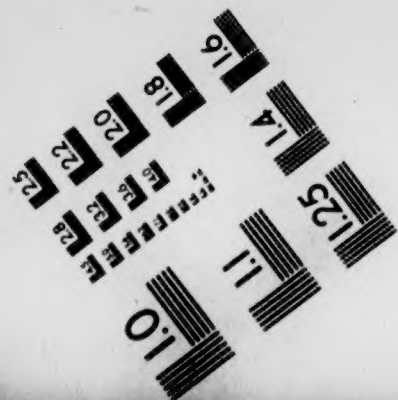
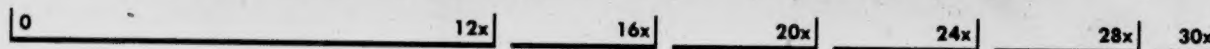




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APPLICATIONS FOR ENROLLMENT OF THE  
COMMISSION TO THE FIVE CIVILIZED TRIBES

1898 - 1914

ROLL 403

CREEK ENROLLMENT CASES 22-94

THE NATIONAL ARCHIVES  
NATIONAL ARCHIVES AND RECORDS SERVICE  
GENERAL SERVICES ADMINISTRATION

WASHINGTON: 1983

Q EN 22

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DEPARTMENT OF THE INTERIOR,  
COMMISSION TO THE FIVE CIVILIZED TRIBES.  
MUSKOGEE LAND OFFICE, AUG. 28th, 1899.

-----X  
In the matter of the application of:  
Bird Grayson, for enrollment as a :  
citizen of the Creek Nation..... :  
-----X

BIRD GRAYSON, being sworn and examined, testified as follows:

Q How old are you? A I am now about 30 I guess.

Q Where do you live? A I live at Wildcat post office.

Q In the creek Nation? A Yes sir.

Q How long have you lived in the creek Nation? A I couldn't tell exactly about nearly 12 years; before that 14 dollar payment was.

Q That was in 1893? A Yes sir.

Q Where did you come from? A From Cornscone Tex. Moved here.

Q That was the first time you was in the Creek nation How long after you were born did you leave the creek nation?

A I guess about six or seven years.

Q Then you were gone until 1893? A Yes sir.

Q Did you draw the \$29? A No sir.

Q The only money you ever drew was the \$14? A No sir.

Q What other money? A Didn't draw it; never drew none.

Q When did your name first get on the roll? A Just before the \$14 payment.

Q But you didn't get the money? A No sir.

Q Why not? A I don't know for what cause.

Q Did they refuse to pay you? A No sir.

Q Didn't you try to get it? A No sir, the pay roll was closed before I was put on the roll.

Q You claim to be a creek citizen? A Yes sir.



Q What is your mother's name? A Jennie,  
 Q Jennie Grayson? A Yes sir.  
 Q She wasn't a citizen of the Creek Nation? A yes sir.  
 Q What was your father's name? A My father's name was Morris.  
 Q Was he a citizen of the Creek Nation? A No sir, I wasn't.  
 Q Is your mother alive? A No sir.  
 Q What was the name of your mother's mother? A Jennie.  
 Q Was your grand mother on the Dunn roll? A I don't know sir.  
 Q Have you got any children? A Yes sir.  
 Q What is their names and ages? A The oldest one is named Major  
 Q Is that the oldest, Major? A Ye sir.  
 Q How old is Major? A Major is about 13 years old.  
 Q What is the next one? A ~~Saxsax~~ Gertrude?  
 Q How old is Gertrude? A I guess she is about 11.  
 Q What is the next one? A Annie Beall, about 7 or 8.  
 Q The next one? A The next is Katie she is about 5.  
 Q The next one.  
 Q The next one we call him Tackey, about 3.  
 Q The next one? A The next one is Dora.  
 Q How old is Dora.  
 A Dora is a year old.  
 Q Your mothers name is not on the Dunn roll? A I don't know  
 sir.  
 Q Your name is not on any roll? A Yes sir, I guess so; I don't  
 know whether it is or not.  
 Q You don't know? A No sir.

-----o-----

DOLLIE STIDHAM, being sworn and examined, testified as follows:

Q How old are you? A 59.  
 Q Are you a creek citizen? A Yes sir.  
 Q Where was you born? A On the Arkansas.

Q How long have you lived in the Creek Nation? A Always was here on Elk Creek and out on Bufaula.

Q Do you know Birl Grayson? A Yes sir, knows his mother.

Q Do you know his other? A Yes sir.

Q What was her name? A Her name was Jennie.

Q Jennie Grayson? A Yes sir.

Q Was she here at the time of the Major Dunn payment?

A No sir, she wasn't here; was in the Territory but wasn't here.

Q How long after peace was it before she returned to the Nation?

A When we all came back from the south.

Q She didn't come with you? A No sir.

Q I mean Jennie Grayson?

A At the time peace declared when all the folks came; I don't know the very day she came.

Q You couldn't tell whether it was one year or two years?

A No sir, was all down south, but she came back after we did.

Q Came back after you did? A Yes sir, that is as far as I could tell you about it.

Q Probably two or three years afterwards? A I couldn't tell; I think about a year or two years as near as I can get at it, when we came back from down south.

-----o-----

TACKY GRAYSON, being sworn and examined, testified as follows:

Q You are a citizen of the Creek Nation? A Yes sir.

Q You are an officer now? A Yes sir.

Q Have you lived here all your life? A Yes sir.

Q You went away at the time of the war? A Yes sir and came back.

Q You was here at the time the Major Dunn payment was made?

A Yes sir.

Q Did you know Jennie Grayson? A Yes sir.

Q She is dead now? A Yes sir.



Q Do you know whether she was here at the time of the Dunn payment or not? A Yes sir, Jennie Grayson was.

Q Was it Jennie Grayson, the mother of Birl Grayson?

A Jennie Grayson the grand mother of Birl Grayson.

Q But I want to know about the mother, the daughter of Jennie Grayson; that was her, you know, the mother of this boy, Birl Grayson; was she here at the time of the Major Dunn payment?

A The little boys came; I have been thinking over it for past time, and yet I tell you I want to be positive what I do; I can remember whether it was before or after, but Aunt Jennie sent her little boys home to her mother Grammie Jennie we call her; and this fellow had a little brother, brought him home, and I went back to Deep Fork I got to see this brother Friday, Saturday and Sunday; they run off and I never laid eyes on them two boys.

Q That must have been a while after the Dunn payment; this boy is only 31. A I seen that boy.

Q Not at the time of the Major Dunn payment? A I seen this boy.

Q He don't claim to be but 30 years old, and that was at least 32 years ago..

A When I seen this boy, he was a boy that would weigh 50 or 60 pounds.

Q How long had his mother been in the nation at the time you saw the boy? A I don't really; I know Aunt Jennie; I was a boy a little bit older than she is; that is grand mother's baby child; during the war we all scattered and stayed three or four years, and when we came back these boys came up to be Jennie's children.

Q That is the first time you knew about Jennie's being here.

A I didn't see his mamma but Sampson.

Q You don't know whether his mother was here at the time of the major Dunn payment? A Not positive; I knew the boys were,

but don't know whether the mother was; they came up to stay with their grand mother, and they ran off, and this boy was grown when I seen him again.

(Mr. Bixby) I don't see how we can enroll you and your children; you are not on the rolls, and as near as I can discover, your mother is not on the Dunn roll and wasn't here at the time the Dunn roll was made, and you don't prove that she was here within a year afterwards. Enrollment refused on the grounds that the name of Birl Grayson and his children do not appear on any authenticated roll of the Creek Nation; neither does the name of Birl Grayson appear upon the Dunn roll. The question of whether or not his mother was in the Nation or returned to the nation within one year after the treaty of 1866 is immaterial was himself probably 6 or 7 years old at the time of the making of the Dunn roll.

## Department of the Interior,

Commission to the Five Civilized Tribes.

I hereby certify, upon my official oath as stenographer to above named Commission, that this transcript is a true, full and correct translation of my stenographic notes.

*E. H. Eastain*

**DEPARTMENT OF THE INTERIOR,  
COMMISSION TO THE FIVE CIVILIZED TRIBES.  
MU KOGEE LAND OFFICE, Aug. 30, 1899.**

**DOLLIE STIDHAM**, being sworn and examined, testified as follows:  
In the matter of the application of Birl Grayson.

(By Mr. DeGraffenreid)

- Q Did you go south during the war? A Yes sir.  
Q When did you return to the Creek Nation? A In 65, near about  
christmas.  
Q Did you know the mother of Birl Grayson? A Yes sir.  
Q What was her name? A Jennie.  
Q Was she the daughter of Jennie Grayson who is on the Dunn roll.  
A Yes sir.  
Q They call her Aunt Jennie.  
A Old Aunt Jennie Grayson.  
Q Did you see Jennie Grayson the mother of Birl Grayson in the  
Choctaw Nation as you returned? A Yes sir.  
Q State whether or not she started to return with you? A Yes sir.  
Q Did she get ~~xx~~ here with you or not? A No sir.  
Q Where did you leave her? A Boggy Depot.  
Q Where was that? A In the Choctaw Nation.  
Q What was the cause of her stopping on the road? A It was cold  
and we couldn't travel.  
Q Did you come on or not? A We came on.  
Q What time of the year was that? A It was Christmas 1865, in  
the winter near about christmas.  
Q In the early part of the year 65? A Yes sir.  
Q How was this boy, Birl Grayson born at that time?  
A Yes, there was 2 little boys.  
Q She had the two little boys with her at the time you left her?  
A Yes sir.

**TACKY GRAYSON** being recalled, testified as follows:

- Q Mr. Grayson, did you go south during the war? A Yes sir.  
Q Where did you go to? A Went on Red River.  
Q In the Choctaw Nation? A Yes sir, this side of Preston Tex.  
Q When did you return to the Creek Nation? A Came back 66; came  
to Deepfork in 66 in April.  
Q Did you see this boy on your return here?  
A I didn't see him on my return, but seen him after I came here.  
Q How long after? A I got here in May and saw him in June 66  
Q Where did you see him? A At the point down here, six or seven  
miles.  
Q In the Creek Nation? A Yes sir.  
Q Did you know his mother? A Yes sir.  
Q What was her name? A Jennie Grayson. She is the daughter of  
old Jennie Grayson.  
Q Who is on the Dunn roll? A Yes sir.  
Q Do you know where this boy's mother died? A When Sampson  
Grayson, a half-breed Indian brought these children to grand-  
mother, and said Jennie was dead, is all I know, on Little  
River.  
Q On Little River? A Yes sir.  
Q Where is Little River? A That is west of here in the Creek  
Nation?  
Q In the Creek Nation? A Yes sir.  
Q Were you ever town king? A No sir.  
Q What office did you hold in 1895? A Legislator.  
Q Do you know whether this boy was enrolled or not as a citizen?  
A Yes sir.  
Q On what roll was he placed? A He was placed on the North Fork

roll.

(Mr. Bixby)

Q By whom? A By Sugar George and all the rest of the legislators.

Q Was he placed there by act of council?

A There wasn't any question; he came home, and we enrolled him.

(Mr. DeGraffenreid)

Q On North Fork town? A Yes sir.

Q Who was town king of that town? A Sugar George

Q Do you know what year that was? A No sir, I couldn't tell, because I didn't keep note.

Q Has he been recognized a citizen all this time.

A Been voting; yes, he voted for Esparhecher; he was recognized, and his vote went and his brother too.

(Mr. Bixby) How old was this boy when you knew him in 1866?

A Couldn't tell you when I seen him he was a boy about that high; Simpson brought him to his grand mother daughters children, and old man Shoto took them over and we never seen this boy until he was grown.

Q When you saw him in 66 he was 5 or 6 years old.

A Couldn't tell how old he was ; a good sized boy.

BURL BRAYSON, recalled testified as follows:

( By Mr. DeGraffenreid)

Q Burl do you have any recollection of your mother? A Yes sir.

A Yes sir.

Q Where did she die? A Died on Little River in the Creek nation

Q Do you know the time of her death? A No sir, I couldn't say exactly the time because I couldn't remember.

Q Was she living on Little River when she died in the Creek nation? A Yes sir.

Q Were you living with her?

A Yes sir.

Q Have you been voting in the Creek nation? A Yes sir.

Q What is the last election you voted it? A The last election I voted in was on the Porter Bill paves treaty.

Q Did you vote for chief in the last election?

A Yes sir, just like any other citizen.

(Mr. Bixby) Did your mother die before the war closed? A No sir. I don't think she did.

Q How long after the close of the war did she die? A I don't know exactly how long it was.

Q Do you know when the Major Dunn payment was going on out here at the Old Agency? A It seems to me like I can remember it, but my mother was sick, and I was a little boy; she lingered sick about a year.

Q I want to know if your mother was living at the time of the Dunn payment out here at the old agency? A No sir, I don't think she was.

Q Do you think she was dead? A Yes sir.

Q How long before that did she die, do you think? give your best information; that is all we expect.

A I think she died, it might have been six or eight months.

Q You remember her quite well? A Yes, I remember her.

Department of the Interior,  
Commission to the Five Civilized Tribes.

I hereby certify, upon my official oath as stenographer to above named Commission, that this transcript is a true, full and correct translation of my stenographic notes.

E. Hooslam



DEPARTMENT OF THE INTERIOR,  
COMMISSION TO THE FIVE CIVILIZED TRIBES,  
MUSKOGEE LAND OFFICE, Oct. 5, 1899.

In the matter of the application of Birl Grayson.

SAMUEL BARNETT being sworn and examined testified as follows:

By Mr. Bixby:

- Q What is your name? A. Samuel Barnett or Samuel Richmond; they call me either.
- Q How old are you? A Last Oct., they called me seventy-nine.
- Q Are you a citizen of the Creek nation? A Yes sir.
- Q How long have you lived in the Creek Nation? A From the day of birth from my mother.
- Q Do you know Birl Grayson? A I know his grandmother and granddaddy, and all of them.
- Q Do you know him? A Yes sir.
- Q How long have you known him? I knowed him a long time.
- Q Known him since he was a small boy? A Yes sir.
- Q Did you know his father and mother? A I didn't know his father; knew his grand mother and daddy and all of them.
- Q Did you know his mother? A Yes, they all used to be over on the Newoka, running cattle for Geo. Brenton; staid with the cattle for 5 or 6 years; lived about 10 miles apart.
- Q Did you know Jennie Grayson? A Yes sir.
- Q When did she die? A I couldn't tell you; knowed her way before the war.
- Q Do you know whether Jennie Grayson was here at the time of the war--his mother? A Yes, I was in Kansas.
- Q Then you don't know? A No, I don't know.
- Q Do you know whether his mother was here at the time the Dunn roll was made? A I don't know, but old aunt Jennie Grayson, the granny, was here.
- Q You never saw this boy with his mother? A No, I saw him with his granny; I knew his mother long before the war; at the time of the war we all went north, and they took his mother from the old man, because we was slaves and couldn't help ourselves; me and the old man went north, and afterwards I saw this boy with the granny.
- Q What was his grandmother's name? A Jennie Grayson.
- Q Do you know whether or not this boy was taken out of the states during the war, or was he born there? A During the war?
- Q Yes. A. I couldn't tell you; I knew his mother, and when I came from Kansas, I found him with his grand mother.
- Q How did you know his mother? A I knew his mother before the war; they took us out during the war.
- Q Do you know of your own knowledge, what disposition was made of this child after his mother died? What became of him?
- A After his mother died he was given to his granny; after his granny dies his uncle took the children.

SAM QUER, being sworn and examined, testified as follows:

By Mr. Bixby:-

- Q Are you a Creek citizen? A Yes sir.
- Q Do you live in the Creek Nation? A Yes sir.
- Q Do you know Birl Grayson? A I didn't know him, but I knew his mother and knew his mother's name.
- Q Did you know his mother? A Yes, I knew his mother.
- Q Is his mother living now? A Yes sir.
- Q When did she die? A I couldn't tell you when she dies, but when we were traveling, she was with us and came to Arkansas.
- Q From where? A The Red River. 8



2- Birl Grayson.

A Of course I was quite small--a little fellow.

Q What time was that? Before the war or at the time of the war?

A It was after the war; of course I could not tell you what time we got here; we came just when the Dunn roll was making.

Qs Were you here when the Dunn roll was made? A Yes sir

A And his mother? I couldn't tell you exactly; she parted and went ~~west~~ west; we camped on the Red River, and she went west and we came on east. You see I didn't know that was her child until after coming to talking to them. I knew that woman Jenny; there were two little boys together; I don't know what became of the other; I knew the woman just by her name, Jenny.

Q Do you know that Jenny Grayson was his mother? A I couldn't tell you because I was small.

Q You don't know whether this boy was with Jenny or not.

A Yes, he was with her and calling her ~~mother~~.

By Mr. Bixby.

It appears from the testimony that Birl Grayson was born prior to the making of the Dunn roll in 1867; it also appears that his name is not on the Dunn roll, and neither is it on the roll of 1890, and he has not been admitted by the citizenship commission, the Corbett Commission, nor any act of the Commission; it is therefore the judgment of this Commission that Birl Grayson is not entitled to enrollment as a citizen of the Creek Nation.

### Department of the Interior,

Commission to the Five Civilized Tribes.

I hereby certify, upon my official oath as stenographer to above named Commission, that this transcript is a true, full and correct translation of my stenographic notes.

*James R. Brewer*

DEPARTMENT OF THE INTERIOR.  
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application of Birl Grayson for the enrollment of himself and his six minor children, Major, Gertrude, Annie Bell, Katie, Tackey and Dora Grayson, as citizens of the Creek Nation.

DECISION.

It appears from the record in this case that on August 28, 1899, Birl Grayson appeared before the Commission at Muskogee, Indian Territory, and made application for the enrollment of himself and his six minor children, Major, Gertrude, Annie Bell, Katie, Tackey and Dora as citizens of the Creek Nation, and that testimony of witnesses was introduced at various times to and including October 5th, 1899.

It also appears that Birl Grayson, the applicant, was born prior to 1867 and that his name is not found on the roll of Creek freedmen made by J. W. Dunn, under authority of the United States, prior to March 14th, 1867; that his name, or the name of any of his said children is not found upon any authenticated roll of the Creek nation, and that they have not been admitted to citizenship in the Creek Nation by the Commission to the Five Civilized Tribes, by the legally constituted authorities of the Creek Nation, or by the United States court in Indian Territory on appeal, in accordance with the provisions of the act of Congress approved June 10, 1896 (29 Stats., 321).

It is therefore the opinion of the Commission that the application of Birl Grayson for the enrollment of himself and his six minor children, Major, Gertrude, Annie Bell, Katie, Tackey and Dora Grayson as citizens of the Creek Nation should be denied, and so ordered.

Commission to the Five Civilized Tribes

Chairman

Commissioner.

C. R. Bredinore,

Commissioner.

Dated at Okmulgee, Indian Territory,  
this 10th day of May, 1901.

COPY

Muskogee, Indian Territory, January 20, 1902.

The Honorable,

The Secretary of the Interior.

Sir:

There is herewith transmitted the record of proceedings in the matter of the application of Birl Grayson for the enrollment of himself and his six minor children, Major, Gertrude, Annie Bell, Katie, Tackey and Dora Grayson as citizens of the Creek Nation, including the decision of the Commission dated May 10, 1901, denying said application.

Respectfully,

T.B. Needles.

Commissioner in Charge.

1 enclosure.  
Creek-22.

C O P Y .

Muskogee, Indian Territory, January 20, 1902.

Birl Grayson,

Wild Cat, Indian Territory.

Dear Sir:

There is herewith enclosed a copy of the decision of the Commission to the Five Civilized Tribes in the matter of the application made by you for the enrollment of yourself and your six minor children as citizens of the Creek Nation.

The decision, with a copy of the proceedings had in the case, is this day transmitted to the Secretary of the Interior for his review and decision. The final decision of the Secretary will be made known to you as soon as the Commission is informed of the same.

Yours truly,

T.B. Needles.

Commissioner in Charge.

1 enclosure.  
B.G.  
Registered.

(COPY)

Muskogee, Indian Territory, January 20, 1902.

R. P. de Graffenreid, Esq.,

Attorney for Birl Grayson,

Muskogee, Indian Territory.

Dear Sir:

There is herewith enclosed a copy of the decision of the Commission to the Five Civilized Tribes in the matter of the application of Birl Grayson et al, for enrollment as citizens of the Creek Nation.

The decision, with a copy of the proceedings had in the case, is this day transmitted to the Secretary of the Interior for his review and decision. The final decision of the Secretary will be made known to you as soon as the Commission is informed of the same.

Yours truly,

T. B. Needles.

Commissioner in Charge.

1 enclosure.  
R.P.d  
Registered.



COPY

Muskogee, Indian Territory, January 20, 1902

A. P. McKelley, Esq.,

H. C. Reed, Esq.,

Attorneys for the Creek Nation,

Muskogee, Indian Territory.

Gentlemen:

There is herewith enclosed a copy of the decision of the Commission to the Five Civilized Tribes in the matter of the application of Earl Grayson et al, for enrollment as citizens of the Creek Nation.

The decision, with a copy of the proceedings had in the case, is this day transmitted to the Secretary of the Interior for his review and decision. The final decision of the Secretary will be made known to you as soon as the Commission is informed of the same.

Yours truly,

T.B.Needles.

Commissioner in Charge.

1 enclosure,  
McK. & R.(42)  
Registered.

(COPY)

Refer in reply to the  
following: Land.  
6032-1902.

Department of the Interior,  
Office of Indian Affairs,

Washington, February 17, 1902.

The Honorable

The Secretary of the Interior.

Sir:

I have the honor to transmit herewith a report made January 20, 1902, by the Commission to the Five Civilized Tribes, forwarding the record of proceedings in the matter of the application of Birl Grayson for the enrollment of himself and his six minor children, Major, Gertrude, Annie Bell, Katie, Tackey and Dora Grayson, as citizens of the Creek Nation.

It appears from the record that the applicants are not Creek Indians by blood, but that they are of African descent and that the name of Birl Grayson, who was born prior to 1867, was not found on the Dunn Roll, and further, that neither he nor his children have been admitted to citizenship by the tribal authorities, by the Commission or by the courts of the Indian Territory. The Commission therefore recommends that the application be rejected.

The office agrees with the decision of the Commission and respectfully recommends that it be approved.

Very respectfully,

Your obedient servant,

WCV  
D

W. A. JONES.

Commissioner.

3 inclosures.

(COPY)

12153

L.R.S.  
I.T.D.1200-1902.

F.

Department of the Interior.

Washington.

February 21, 1902.

Commission to the Five Civilized Tribes,  
Muskogee, I.T.

Gentlemen:

The Department has considered the application of Birl Grayson for the enrollment of himself and six minor children, Major, Gertrude, Annie Bell, Katie, Tackey and Dora Grayson as citizens of the Creek Nation, case 22.

It appears that Birl Grayson, claiming as a Creek freedman, was born prior to 1867, and that his name is not found upon the roll of Creek freedmen made by J. W. Dunn, mentioned in the act of June 28, 1898; that his name or the names of any of said children are not found on any authenticated roll of the Creek Nation, and that they have not been admitted to citizenship in the Creek Nation by your Commission or the United States court in the Indian Territory. You therefore rejected the application.

The Commissioner of Indian Affairs in his letter of February 17, 1902, a copy of which is inclosed, recommends that your decision be concurred in.

The Department finding no reason to disturb your decision, it is affirmed.

Respectfully,

THOS RYAN.  
Acting Secretary.  
EMD.

1 inclosure.

COMMISSIONERS  
HENRY L. DAWES  
TAMM BIXBY.  
THOMAS B. NEEDLES.  
C. R. BRECKINRIDGE.

ALLISON L. AYLESWORTH.  
SECRETARY

DEPARTMENT OF THE INTERIOR.  
COMMISSION TO THE FIVE CIVILIZED TRIBES.

REFER IN REPLY TO THE FOLLOWING

(COPY)

Maskogee, Ind.Ter., April 4, 1902.

Birl Grayson,

Wild Cat, Ind.Ter.

Dear Sir:

You are hereby advised that the Secretary of the Interior, under date of February 21, 1902, affirmed the decision of the Commission, dated May 10, 1901, denying the application made by you for the enrollment of yourself and your six minor children, Major, Gertrude, Annie Bell, Katie, Taskey and Dora Grayson, as citizens of the Creek Nation.

Yours truly,

C. R. BRECKINRIDGE.  
Commissioner in Charge.

Creek-22.

OCH.

COMMISSIONERS

HENRY L. DAWES.  
TAMM BIXBY.  
THOMAS B. NEEDLES.  
C. R. BRECKINRIDGE

ALLISON L. AYLESWORTH.  
SECRETARY

DEPARTMENT OF THE INTERIOR.  
COMMISSION TO THE FIVE CIVILIZED TRIBES.

REFER IN REPLY TO THE FOLLOWING

(COPY)

Muskogee, Ind.Ter., April 4, 1902.

R. P. de Graffenreid, Esq.,  
Attorney for Birl Grayson,  
Muskogee, Indian Territory.

Dear Sir:

You are hereby advised that the Secretary of the Interior, under date of February 21, 1902, affirmed the decision of the Commission, dated May 10, 1901, denying the application of Birl Grayson for the enrollment of himself and his six minor children, Major, Gertrude, Annie Bell, Katie, Tackey and Dora Grayson, as citizens of the Creek Nation.

Yours truly,

C. R. BRECKINRIDGE  
Commissioner in Charge.

Creek-22.

OCH.



COMMISSIONERS

HENRY L. DAWES.  
TAMM BIXBY.  
THOMAS B. NEEDLES.  
C. R. BRECKINRIDGE

ALLISON L. AYLESWORTH  
SECRETARY

DEPARTMENT OF THE INTERIOR.  
COMMISSION TO THE FIVE CIVILIZED TRIBES.

REFER IN REPLY TO THE FOLLOWING

(COPY)

Muskogee, Ind.Ter., April 4, 1902.

A. P. McKellop, Esq.,

H. G. Reed, Esq.,

Attorneys for the Creek Nation,

Muskogee, Indian Territory.

Gentlemen:

You are hereby advised that the Secretary of the Interior, under date of February 21, 1902, affirmed the decision of the Commission, dated May 10, 1901, denying the application of Birl Grayson for the enrollment of himself, and six minor children, Major, Gertrude, Annie Bell, Katie, Taskey and Dora Grayson, as citizens of the Creek Nation.

Yours truly,

C. R. BRECKINRIDGE.  
Commissioner in Charge.

Creek-22.

OCH.

EMPTY

CR EN 24

CR EN 24

DEPARTMENT OF THE INTERIOR,  
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.  
MUSKOGEE LAND OFFICE, SEP. 25, 1899.

In the matter of the application for enrollment as a citizen of the Creek Nation of Samuel Brown, said Brown being sworn by Notary Public, Jm. Lieber, testified:

- Q What is your name? A Samuel Brown.  
Q Are you now living in the Creek Nation? A Yes.  
Q How long have you lived in the Creek Nation? A Since week before last.  
Q Where did you move from to the Creek Nation week before last?  
A. I moved from Elm Princeton, Indiana.  
Q How long did you live in Princeton, Indiana? A I have been living there about three years.  
Q Are you married? A Yes.  
Q Where is your family now living? A My family is now living at Eufaula- my wife- I have no children.  
Q When did she come from Indiana here? A She came when I came.  
Q When did you go to Indiana with your family? A I had no family when I went there; I married there.  
Q How long have you been married? A About 2 1/2 years.

Department of the Interior,  
Commissioner to the Five Civilized Tribes.

I hereby certify, upon my official oath as stenographer to above named Commission, that this transcript is a true, full and correct translation of my stenographic notes.

Samuel M. Edwards

DEPARTMENT OF THE INTERIOR  
COMMISSION TO THE FIVE CIVILIZED TRIBES

In the matter of the application of Samuel Brown for  
enrollment as a citizen of the Creek Nation.

D E C I S I O N

It appears from the record in this case that on September 25th, 1899, Samuel Brown appeared before the Commission at Muskogee, Indian Territory, and made application for enrollment as a citizen of the Creek Nation, and that the said applicant was a non-resident of the Indian Territory on June 28, 1898.

It also appears from an examination of the records of the Commission and from records and tribal rolls in its possession that the said Samuel Brown is not found upon the tribal rolls of the Creek Nation; that he has not been admitted to citizenship in said nation by this Commission, or the legally constituted authorities of the Creek Nation, or by the United States Court in Indian Territory on appeal, in accordance with the provisions of the Act of Congress of June 10, 1896 (29 Stats., 321).

It further appears that on February 8, 1902, the said Samuel Brown was notified by registered letter that he would be allowed fifteen days to submit an affidavit, corroborated by two witnesses, showing that he is a Creek Indian entitled to the benefits of either section 28 or 29 of the Act of March 1, 1901, known as the Creek Agreement, and that no response to said notice has been received by this Commission.

The Act of Congress approved June 28, 1898 (30 Stats., 495), provides:

" No person shall be enrolled who has not heretofore removed to and in good faith settled in the nation in which he claims citizenship: Provided, however, That nothing contained in this Act shall be so construed as to militate against any rights or privileges which the Mississippi Choctaws may have under the laws of or under the treaties with the United States."

The Act of Congress approved May 31, 1900 (31 Stats., 221), provides:

" That said Commission shall continue to exercise all authority heretofore conferred on it by law. But it shall not receive, consider, or make any record of any application of any person for enrollment as a member of any tribe in Indian Territory who has not been a recognized citizen thereof, and duly and lawfully enrolled or admitted as such, and its refusal of such applications shall be final when approved by the Secretary of the Interior."

It is, therefore, the opinion of this Commission that

THE UNITED STATES OF AMERICA  
DEPARTMENT OF THE INTERIOR  
BUREAU OF LAND MANAGEMENT

WASHINGTON, D. C. 20250

  
C. R. Thompson  
Commissioner

Issued at Washington, D. C.,  
this 15th day of May, 1900.

DEPARTMENT OF THE INTERIOR,  
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application of Samuel Brown for enrollment as a citizen of the Creek Nation.

D E C I S I O N .

It appears from the record in this case that on September 25th, 1899, Samuel Brown appears before this Commission at Muskogee, Indian Territory, and made application for enrollment as a citizen of the Creek Nation.

It also appears that on June 28th, 1898, said Samuel Brown was a resident of the state of Indiana; and that he removed to and established his residence in the Creek Nation in September, 1899.

It does not appear that the said Samuel Brown has ever been recognized as a citizen of the Creek Nation by the tribal authorities of said nation, or that he had been admitted to citizenship in said Nation by the Commission to the Five Civilized Tribes, or by the legally constituted authorities of the Creek Nation, or by the United States in Indian Territory, on appeal, in accordance with the provision of the Act of Congress of June 10, 1896, (29 Stats., 321.)

The Act of Congress approved June 28, 1898, (30 Stats., 495), provides:

"No person shall be enrolled who has not heretofore removed to and in good faith settled in the nation in which he claims citizenship: Provided, however, That nothing contained in this act shall be so construed as to militate against any rights or privileges which the Mississippi Choctaws may have under the laws of or the treaties with the United States."

It is therefore the opinion of this Commission that in accordance with the provision of law above quoted, the application of said Samuel Brown for enrollment as a citizen of the Creek nation should be denied, and it is so ordered.

Commission to the Five Civilized Tribes.



Acting Chairman.

Dated at Okmulgee, Indian Territory.  
this 11<sup>th</sup> day of May, 1901.



(copy)

Muskogee, Ind. Ter., May 8, 1902.

The Honorable,

The Secretary of the Interior,

Washington, D. C.

Sir:

There is herewith transmitted the record of proceedings in the matter of the application of Samuel Brown for enrollment of himself as a citizen of the Creek Nation, including the decision of the Commission, dated May 7, 1902, denying said application.

Yours truly,

T. B. FENNELL.

Commissioner in Charge.

Through the

Commissioner of Indian Affairs.

Creek-24.

1 enclosure.

OOH.



COMMISSIONERS  
HENRY L. DAWES,  
TAMM BIXBY,  
THOMAS B. NEEDLES,  
C. R. BRACKINRIDGE.

ALLISON L. AYLESWORTH,  
SECRETARY.

DEPARTMENT OF THE INTERIOR.  
COMMISSION TO THE FIVE CIVILIZED TRIBES.

8. m.

REFER IN REPLY TO THE FOLLOWING

ADDRESS ONLY IN  
COMMISSION TO THE FIVE CIVILIZED TRIBES

Muskogee, Ind. Ter., May 8, 1902.

Samuel Brown,

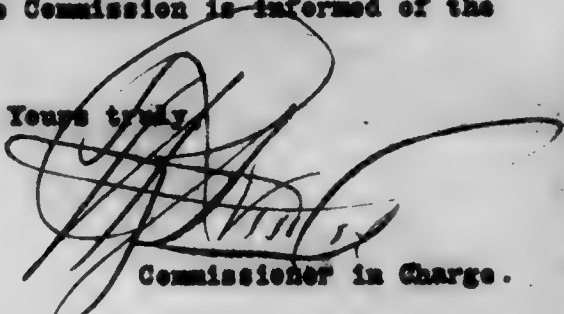
Mufaula, Ind. Ter.

Dear Sir:

There is herewith enclosed a copy of the decision of the Commission to the Five Civilized Tribes in the matter of the application made by you for the enrollment of yourself as a citizen of the Creek Nation.

The decision, with a copy of the proceedings had in the case, is this day transmitted to the Secretary of the Interior for his review and decision. The final decision of the Secretary will be made known to you as soon as the Commission is informed of the same.

Yours truly,



Commissioner in Charge.

Creek-24.

1 enclosure.

Registered.

OCH.

(COPY)

Muskogee, Ind.Ter., May 8, 1902.

A. P. McKelley, Esq.,

H. C. Reed, Esq.,

Attorneys for Creek Nation,

Muskogee, Ind. Ter.

Gentlemen:

There is herewith enclosed a copy of the decision of the Commission to the Five Civilized Tribes in the matter of the application made by Samuel Brown for enrollment as a citizen of the Creek Nation.

The decision, with a copy of the proceedings had in the case, is this day transmitted to the Secretary of the Interior for his review and decision. The final decision of the Secretary will be made known to you as soon as the Commission is informed of the same.

Yours truly,

T. B. WHEELER,

Commissioner in Charge.

Creek-24.

1 enclosure.

Registered.

OCR.

(C O P Y)

Refer in reply  
to the following:  
Land  
88265-1902.

DEPARTMENT OF THE INTERIOR,  
Office of Indian Affairs,

WASHINGTON, May 13, 1902.

The Honorable

The Secretary of the Interior.

Sir:

I have the honor to transmit herewith a report made May 8, 1902, by the Commission to the Five Civilized Tribes, forwarding the record in the matter of the application of Samuel Brown for enrollment as a Creek citizen.

The Commission reports that the applicant was a non-resident of the Indian Territory on June 28, 1898; that his name is not found on the tribal rolls of the Creek Nation; that he has not been admitted to citizenship by the legally constituted authorities of the nation, by the Commission or by the court; that he was notified on February 8, 1902, by registered letter that he would be allowed fifteen days to submit an affidavit, corroborated by two witnesses, showing that he was a Creek Indian entitled to the benefits of either section 28 or 29 of the Act of March 1, 1901, known as the Creek agreement, and that no response to said notice has been received by the Commission.

Considering the facts above stated the Commission, on May 7, 1902, refused the application for enrollment.

In the opinion of the writer the conclusion of the  
Committee is correct, and it is respectfully recommended  
that it be advised that the objection is affirmed.

Very respectfully,

Your obedient servant,

A. C. TERRY.

Acting Commissioner.

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DEPARTMENT OF THE INTERIOR

WASHINGTON

I.T.B. 5142-1902.

June 9, 1902.

Commission to the Five Civilized Tribes,

Muskogee, I. T.

Sir:

With letter of May 8, 1902, you transmitted record in the matter of application of Samuel Brown for enrollment as a citizen of the Creek Nation.

The record shows that applicant was not a resident of Indian Territory on June 22, 1902; and you state that he is not enrolled and has not been admitted as a citizen of the Creek Nation, and that he has failed, after notice, to show that he is a Creek Indian entitled to the benefits of either Section 54 or 55 of the act of March 3, 1901 (31 Stat., 851). You denied the application.

In letter of May 15, 1902, the Acting Commissioner recommends that your decision be approved.

The Department affirms your decision, and incloses copy of the Acting Commissioner's letter.

Respectfully,

HUGH RYAN.

Acting Secretary.

HED.

2 inclosure.

COMMISSIONERS  
HENRY L. DAWES.  
TAMS BIXBY.  
THOMAS B. NEEDLES.  
C. R. BRECKINRIDGE.

ALLISON L. AYLESWORTH,  
SECRETARY.

DEPARTMENT OF THE INTERIOR,  
COMMISSION TO THE FIVE CIVILIZED TRIBES.

ADDRESS ONLY THE  
COMMISSION TO THE FIVE CIVILIZED TRIBES

Muskegee, Indian Territory, February 8, 1902.

Samuel Brown,

Eufaula, Indian Territory.

Sir:

You are hereby notified that you will be allowed fifteen days from the date hereof to submit to this Commission an affidavit corroborated by two witnesses, showing that you are a Creek Indian entitled to the benefits of either section 28 or 29 of the act of March 1, 1901, known as the Creek agreement, a copy of which is herewith enclosed.

In order to show that you are entitled to the benefit of said section 28, it will be necessary for said affidavit to contain a statement that you have heretofore been recognized as a citizen of the Creek nation by the tribal authorities of said nation, and that your name appears on the authenticated Creek rolls.

In order to show that you are entitled to the benefits of said section 29, it will be necessary for said affidavit to contain the statement that you are a full blood Creek Indian now residing in the Creek nation, and have recently removed there from the state of Texas, or that you are a recognized citizen whose name appears on the Creek rolls, but that you are excluded from enrollment by reason of non-residence on June 28, 1898.

Yours truly,



Commissioner in Charge.

Register.  
Enclose Pub. 112.



am

COMMISSIONERS:

HENRY L. DAWES,  
TAMS BIXBY,  
THOMAS B. NEEDLES,  
C. R. BRACKINRIDGE.

DEPARTMENT OF THE INTERIOR.  
COMMISSION TO THE FIVE CIVILIZED TRIBES.

ALLISON L. AYLESWORTH,  
SECRETARY

ADDRESS ONLY THE  
COMMISSION TO THE FIVE CIVILIZED TRIBES

Maskogee, Ind. Ter., June 23, 1902.

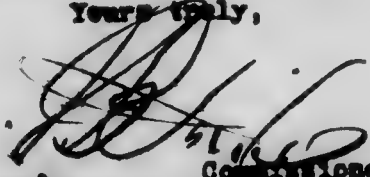
Samuel Brown,

Bufaula, Ind. Ter.

Dear Sir:

You are hereby advised that the Secretary of the Interior, under date of June 9, 1902, affirmed the decision of the Commission, dated May 7, 1902, denying the application made by you for the enrollment of yourself as a citizen of the Creek Nation.

Yours truly,



Commissioner in Charge.

Creek-24.

OOH.

C O P Y

Muskogee, Ind. Ter., June 23, 1902.

A. F. McKellop, Esq.,

H. C. Reed, Esq.,

Attorneys for Creek Nation,

Muskogee, Ind. Ter.

Gentlemen:

You are hereby advised that the Secretary of the Interior, under date of June 9, 1902, affirmed the decision of the Commission, dated May 7, 1902, denying the application of Samuel Brown for enrollment as a citizen of the Creek Nation.

Yours truly,

T. B. ARBIDLE.

Commissioner in Charge.

Creek-24.

OCH.



CR EN 25

CR EN 25

(COPY)

Interior Department.  
Commission to the Five Civilized Tribes.  
Muscogee Land Office, Sep. 28, 1892.

In the matter of the application of Shelton Smith for enrollment as a citizen (by adoption) of the Creek Nation, said Smith being sworn testified:

- Q What is your name? A Shelton Smith.
- Q How old are you? A I was 71 on the 5th of last July. I was born in '28.
- Q You are a white man? A Yes.
- Q What was your father's name? A My father's name was Stephen Smith.
- Q Is he living? A No sir, he died in '81.
- Q He was a citizen of the United States? A Yes.
- Q What was your mother's name? A Kathleen Smith.
- Q Is she living? A No sir, she died the same year as my father.
- Q She was a citizen of the United States? A Yes.
- Q When did you first come to the Creek Nation? A I came to the Old Agency here on the 1st day of December, 1854.
- Q How soon after you came here did you marry? A I think I was married in the fall of '56.
- Q Did you marry a citizen of the Creek Nation? A Supposed to be, she was born and raised here and she was recognized as a citizen of the Creek Nation. Her name was Lucinda Ann Smith.
- Q Were you ever adopted by the Greeks? A Yes.
- Q In what year? A I forget if it was in '56 or '57; it was after I was married.
- Q Who was the principal chief at that time? A General Rowley McIntosh.
- Q What steps did you take to be adopted? A I did not take any myself. The Agent selected me to come with him; he said he had considerable money to bring and had to have guards and wanted me to come with him and I came from Alabama. I worked with him and he gave me a blacksmith shop. He gave me a permit and I worked under that until the Chief came over and sent for me to come up to the Agency and I went up there and he told the Agent that I had married one of his women and he was going to give me my rights and to stop my permit and the Agent did it.
- Q Did they have any Councils in those days? A No sir, it was different from what it is now.
- Q In what way was your adoption made known? A He declared it to the Agent and when they were going to have an election of the people the head chiefs were present and they talked it over with them and decided to make me a citizen and allow me to vote.
- Q Do you know, Mr. Smith, that in late years in order to be adopted into the Nation it is necessary for a petition to be presented to the Council and for the Council to pass an Act of Adoption, which is signed afterwards by the Chief? A Yes.
- Q There was no such proceeding as that in your case? A No sir. They never asked me to make any statement to the Council.
- Q The Council as it is now constituted elected by the people was not in existence at the time you were adopted by the head men of the tribe? A No sir.
- Q Did you remain in the Creek Nation during the war? A Most of the time, but part of the time I was in the Choctaw and Chickasaw Nations.
- Q Do you remember the roll made by old Major Dunn at the close of the war? A Yes, I was on that roll and I drew the money on it. They sent it to me.
- Q Have you been on any of the rolls since that time? A Yes.

Q Have you participated in all of the payments since that time?  
 A No sir, I was left off one time.  
 Q Do you remember what payment that was? A It was the \$29 payment.  
 Q Did you take any steps to have your name put back upon the roll at that time? A No sir.  
 Q Did you take any steps to have your name put upon the Omitted \$29 Roll at that time? A No sir.  
 Q When you found that your name had been left off the \$29 pay roll and the Omitted \$29 Pay-roll, why is it that you did not make a demand upon the Nation for your part of the money? A I was told by a man that they had scratched off a great many names and that they would not put them back on the roll unless they were paid something for it.

NOTE:

The name of Shelton Smith appears upon the roll of Creek Citizens made by Wm. Byers, Superintendent of Indian Affairs for the Southern Superintendency made in '67, and on Broken Arrow Town Roll page 102, family number 65. His name also appears upon the 1895 payroll Broken Arrow town, number 161. His postoffice is Stone Bluff.

Department of the Interior,  
 Commission to the Five Civilized Tribes.

I hereby certify, upon my official oath as stenographer to above named Commission, that this transcript is a true, full and correct translation of my stenographic notes.

Brown McDonald.

INTERIOR DEPARTMENT.  
COMMISSION TO THE FIVE CIVILIZED TRIBES.  
MUSCOGEE LAND OFFICE, SEP. 28, 1899.

In the matter of the application of SHELTON SMITH for enrollment as a citizen (by adoption) of the Creek Nation, said Smith being sworn testified:

- Q What is your name? A Shelton Smith.
- Q How old are you? A I was 71 on the 5th of last July. I was born in '28.
- Q You are a white man? A Yes.
- Q What was your father's name? A My father's name was Stephen Smith.
- Q Is he living? A No sir, he died in '61.
- Q He was a citizen of the United States? A Yes.
- Q What was your mother's name? A Kathleen Smith.
- Q Is she living? A No sir, she died the same year as my father.
- Q She was a citizen of the United States? A Yes.
- Q When did you first come to the Creek Nation? A I came to the Old Agency here on the 1st day of December, 1854.
- Q How soon after you came here did you marry? A I think I was married in the fall of '56.
- Q Did you marry a citizen of the Creek Nation? A Supposed to be, she was born and raised here and she was recognized as a citizen of the Creek Nation. Her name was Lucinda Ann Smith.
- Q Were you ever adopted by the Creeks? A Yes.
- Q In what year? A I forget if it was in '56 or '57; it was after I was married.
- Q Who was the principal chief at that time? A General Rowley McIntosh.
- Q What steps did you take to be adopted? A I did not take any myself. The Agent selected me to come with him; he said he had considerable money to bring and had to have guards and wanted me to come with him and I came from Alabama. I worked with him and he gave me a blacksmith shop. He gave me a permit and I worked under that until the Chief came over and sent for me to come up to the Agency and I went up there and he told me the Agent that I had married one of his women and he was going to give me my rights and to stop my permit and the Agent did it.
- Q Did they have any Councils in those days? A No sir, it was different from what it is now.
- Q In what way was your adoption made known? A He declared it to the Agent and when they were going to have an election of the people the head chiefs were present and they talked it over with them and decided to make me a citizen and allow me to vote.
- Q Do you know, Mr. Smith, that in late years in order to be adopted into the Nation it is necessary for a petition to be presented to the Council and for the Council to pass an Act of Adoption, which is signed afterwards by the Chief? A Yes.
- Q There was no such proceeding as that in your case? A No sir. They never asked me to make any statement to the Council.
- Q The Council as it is now constituted elected by the people was not in existence at the time you were adopted by the head men of the tribe? A No sir.
- Q Did you remain in the Creek Nation during the war? A Most of the time, but part of the time I was in the Choctaw and Chickasaw Nations.
- Q Do you remember the roll made by old Major Dunn at the close of the war? A Yes, I was on that roll and I drew the money on it. They sent it to me.
- Q Have you been on any of the rolls since that time? A Yes.

- Q Have you participated in all of the payments since that time?  
 A No sir, I was left off one time.  
 Q Do you remember what payment that was? A It was the \$20 payment.  
 Q Did you take any steps to have your name put back upon the roll at that time? A No sir.  
 Q Did you take any steps to have your name put upon the Omitted \$29 Roll at that time? A No sir.  
 Q When you found that your name had been left off the \$29 payroll and the Omitted \$29 Pay-roll, why is it that you did not make a demand upon the Nation for your part of the money? A I was told by a man that they had scratched off a great many names and that they would not put them back on the roll unless they were paid something for it.

NOTE:

The Name of Shelton Smith appears upon the roll of Creek Citizens made by Wm. Byers, Superintendent of Indian Affairs for the Southern Superintendency made in '67, and on Broken Arrow Town Roll page 102, family number 65. His name also appears upon the 1895 payroll Broken Arrow town, number 161. His postoffice is Stone Bluff.

Department of the Interior,

Commission to the Five Civilized Tribes.

I hereby certify, upon my official oath as stenographer to above named Commission, that this transcript is a true, full and correct translation of my stenographic notes.

Brown McDonald



DEPARTMENT OF THE INTERIOR,  
COMMISSION TO THE FIVE CIVILIZED TRIBES?  
Okmulgee, Indian Territory, March 23, 1901.

In the matter of the Application for enrollment of Sheldon Smith as a citizen of the Creek Nation by adoption.

Sheldon Smith, being first duly sworn by Acting Chairman Bixby, testified as follows:

By Mr. Bixby:

Q What is your name? A Sheldon Smith.

Q How old are you? A 62 years.

Q What is your postoffice address? A Stonebluff, I. T.

Q How long have you lived in the Creek nation? A I have lived in the Creek nation since the 10th of December, 1854.

Q Do you claim to be a citizen of the Creek tribe? A It is not by blood.

Q I did not ask you that; do you claim to be a citizen of the Creek tribe? A Yes sir.

Q Are you a citizen by blood or by adoption? A By adoption.

Q When were you adopted? A Adopted in '55

Q Who adopted you? A By the old Principal Chief, General McIntosh and his treasure; was intermarried, and it was done in the presence of the United States agent.

Q Who was the United States agent? A Col. Garrett and I was working under permit from him under Chief Scott.

Q Was that the custom in those days to adopt white men by act of the principal chief? A I can't tell you what the custom was; that was the supreme law and he recognized me as that.

Q Didn't they have any council? A Not at that time. He sent for me and I went and he asked me if I had a Creek wife, and I told him if he would give me a little time I would go and bring some evidence and he wouldn't have to ask me the question. He said that was enough; he had heard it but he didn't know it from me; then he told me I had to stop my permit and I went along about my work.

Q You say the Creeks did not have a Legislature at that time? A They had council every now and then; I don't know; I never heard anything in council about citizenship or anything of that kind.

Q You don't know whether the council took action in applications for citizenship or not, do you? A No, I know this much, when I was elected by the Chief I was allowed to vote.

Q Did you draw any money in the year '67? as a citizen of the Creek Nation? A Was it the settlers payment; I don't remember whether they had any other payment except it was the old settler payment

Q This book that I have here is a list of the names of people who drew money in 1867. The money that they drew was to each individual his proportionate share of the \$200,000 set apart in the Third Article of the Treaty of June 14, 1866 to enable the Creeks to occupy, restore and improve their farms. Did you draw that money?

A Yes sir.

Q How much did you draw? A I don't remember at this time.

Q Was it \$20 or less or more? A I cannot tell you; I don't remember; I didn't think about it and never made no minute of it.

Q You were married at that time, were you? A Yes, I drew for my wife and I don't know how many children; I think three, and my fatherinlaw and motherinlaw.

Q Who was your fatherinlaw? Was he an Indian? A He was a white man adopted by the old nation--emigrated here with them.

Q What was his name? A Samuel Hopwood.

Q Is your name on the rolls of the Creek nation now? A I cannot tell you.

Q Did you draw the \$29 in 1890? A No sir.

Q Why didn't you? A They discredited a good many names on the roll and mine was among them that was struck off; I don't know

2-Sheldon Smith.

why; they didn't notify me.

Q Did you draw the \$14.40 in 1895? A Yes sir.

Q What town do you belong to? A Broken Arrow.

Q Has the Creek Nation taken any evidence in relation to your citizenship since 1895? A Not that I know of; if they have I have never been notified of it.

Q What town did you belong to in 1867? Did you always belong to Broken Arrow town? A Yes, same town, Broken Arrow.

Roll of March 13, 1867 examined and the name of Selton Smith and his family is found thereon, No. 65, Broken Arrow town.

Q I see on this roll the name of Selton Smith. Who is Dan C. Smith? A One of my sons.

Q Samuel H. Smith? A He is one of my sons.

Q Who is Daniel B.? A My son.

Q Who is Daniel Adkins? A An orphan boy that we raised.

Q Who is Lucinda Smith? A My wife.

Q Who is Sarah Ann Smith? A My daughter.

Q And Louisa Jane Smith? A She is Mrs. Rothhammer.

Q Is she your daughter? A Yes, supposed to be.

By Mr. Bixby: The above are the names on the roll of March 13, 1867, headed by Selton Smith.

Pay roll of 1895 examined and the name of Shelton Smith found as 161 thereon.

Roll of 1890, Broken Arrow town examined and the name of Sheldon Smith, nor of Shelton Smith, not found thereon.

Examination by Mr. McKellop, representing the Creek Nation:

Q Did you ever make application to the Creek council for adoption prior to the war? A No sir.

Q Did I understand you to say that Chief McIntosh adopted you?

A Yes sir.

Q Did he give you a certificate in writing to show his action in the matter? A He did not.

Q Before that time did you pay him a tax for the Creek people--a permit tax? A No, I didn't have to pay any; the agent issued the permits then; they was under him.

By Mr. Bixby: You just had the permit? You didn't have to pay anything for it? Any tax? A No.

Q What was that permit for? A He gave me a permit when I went to work in the public shops.

Q Did I understand you to say in your direct examination that after McIntosh adopted you, you did not have to have any permit.

A I didn't after that, and never have since.

Q Did you have any permit before you worked in the blacksmith shop?

A No, I was working for the agent.

Q In the Government service? A Yes sir.

Q Did you marry a citizen while in the Government service? A No. I was working for the agent first; after I got through with that he gave me a public shop.

Q You knew that the Creek council met and made laws about this time--about the time you was adopted? The Creek council met at different times and made laws? A Yes--I don't know what their business was; I didn't understand what they said; I didn't bother about it.

Q You knew that they had council? A Yes sir.

Q And had judges? A Yes sir.

Q And lighthorsemen? A Yes sir.

Q And had a government? A Yes sir.

Q And you never appeared before that council at any time and made application for adoption as a citizen of the Creek Nation?

3 Sheldon Smith.

A Never did.

Q Be that all you rest your citizenship upon is the action of the Chief, McIntosh, in telling you that you were a citizen? A Yes.

-----o-----

W. H. Gentry, being first duly sworn by acting Chairman Bixby, testified as follows:

By Mr. Bixby:

Q What is your name? A W. H. Gentry.  
Q How old are you? A 59 years.  
Q What is your postoffice address? A Coacotah, I. T.  
Q Do you reside in the Creek nation? A Yes sir.  
Q How long have you lived in the Creek nation? A Since '55  
Q Are you a citizen by blood of the Creek Nation? A By adoption.  
Q Do you know Sheldon Smith? A Yes sir.  
Q Do you held any official position in the Creek Nation at the present time? A Yes sir.  
Q What is it? A Member of the House of Warriors.  
Q You have held various offices at different times? A I held the same office once before, the term four years ago.  
Q How long have you know Sheldon Smith? A It was about '58.  
Q Do you know whether or not he has ever been adopted by the Creek tribe of Indians? Do you know whether he has been recognized as a citizen of the Creek nation? A I know he has been allowed to vote; he has voted when we did.  
Q Do you know whether he ever drew any money in the Creek payments?  
A No, I don't know.  
Q Do you know anything about whether he has ever been recognized by the head men of the tribe before the year 1890? A It was my understanding that he was; I don't know it positively, but I always understood it.  
Q Was he married to a Creek Indian? A Yes sir, to a Miss Hopwood.

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Bluford Miller, being first duly sworn, testified as follows:

By Mr. Bixby:

Q What is your name? A Bluford Miller.  
Q How old are you? A 53 years.  
Q Do you live in the Creek nation? A Yes sir.  
Q Are you a citizen by blood? A By adoption.  
Q Have you ever held an official position in the Creek nation?  
A Yes, held office in the House of Warriors a term and a half.  
Q Town Kind? A Yes sir.  
Q Of what town? A Conchartry town.  
Q Do you know Sheldon Smith? A Yes sir.  
Q How long have you known him? A I have known him 22 or 23 years.  
Q Do you know anything about his citizenship? A I don't know only what I have heard. I don't know positively; have always heard he was a citizen.  
Q You don't know whether he was ever adopted by act of council?  
A Not to my knowledge.  
Q Have you ever known of his drawing any money in the Creek payments? A Not to my knowledge; never heard of it.  
Q What has been your understanding as regards his citizenship?  
A Always understood that he was a citizen.  
Q How did he get adopted? By act of council? A I suppose so; it was long before the war; I don't know how.  
Q You don't know whether Mr. Sheldon was adopted the same way as you were or not? A No sir.  
Q You know as much about his adoption as you do your own? A Yes, I guess so.

-----o-----

Sheldon, Smith.

Captain F. B. Severs, being first duly sworn testified as follows:

By Mr. Saxby:

- Q What is your name? A F. B. Severs.
- Q How old are you? A 45 years.
- Q Are you a citizen of the Creek nation? A I am.
- Q Where do you live? A At Hualapai.
- Q How long have you lived in the Creek nation? A About 50 years.
- Q Are you a citizen by blood or adoption? A By adoption.
- Q Do you know Sheldon Smith? A Yes sir.
- Q Do you know whether he is a Creek Indian? A I don't know him to be a Creek Indian, no.
- Q You don't know whether he is a citizen of the Creek nation?
- A I never have heard so; I don't know that to be so.
- Q You never heard he was a citizen of the Creek nation? A No, nothing more than by marriage.
- Q You didn't know he was adopted by the head man of the tribe?
- A I never have heard it.
- Q How did you become a citizen of the Creek nation? A By adoption.
- Q By act of council? A Yes sir.

Examination by A. P. McKellop, representing the Creek Nation.

- Q When did you first come to the Creek nation? A I came to the Creek nation in '34.
- Q And have you lived in the Creek nation ever since that time?
- A Ever since.
- Q You was acquainted with the Chiefs of the Creek nation prior to the war? A I was, yes.
- Q How many principal chiefs did you have prior to the war? A I can't tell you all of them.
- Q I mean, did they have one or two? A They had two when I first came here.
- Q The Creek were then under two chiefs? A Yes, upper Greeks and lower Greeks.
- Q Do you remember of the Creeks adopting any white men as citizens of the Creek nation before the war? A I remember Captain Belcher was adopted before the war.
- Q Go ahead and name all the members having been adopted prior to the war? A I never heard of anyone else being adopted but C. P. Belcher.
- Q When the war broke out did the Creeks divide, one part went away-how was that? A Of course Yahola, he broke out with a part of the Creeks and went north and Canard and the southern Creeks remained in the Creek nation. Yahola went up to Kansas, and his crowd of Creeks.
- Q Where did the acting chiefs at that time go? Which way did they go at the breaking out of the war? A One went north and the other went south; Old Yahola went north and Canard went south.
- Q Which of these chiefs took the records of the nation when they separated? A Canard took the records, and the second chief of the upper Creeks, Koko Harjo kept the records of the upper Creeks. There was two chiefs then. Yahola didn't take any records off.
- Q During the war, did the action of the Creeks that went south continue to enforce the laws of the nation? A Yes sir, they did continue the authority they had before the war commenced.
- Q Do you remember that they went to the extent, any time during the war, of adopting white persons as citizens of the Creek nation?
- A I do.
- Q Please give the names of all they adopted, so far as you remember, during the war? A I was adopted for one, and Mr. Whitrow of Muskogee, for another.
- Q Was else? A I don't remember.



6-Sheldon Smith.

- Q Do you remember Jack Porter? A Yes, he came here a creek from the old country; he came west with the Creeks; he was adopted in the old nation, in Alabama; I know him well.
- Q Did the southern Creeks hold their council during the time they were separated from the other Creeks during the war? A Yes, regular council.
- Q Was you present at this councils? A Not often. I was in the army and didn't go around; sometimes they would gave councils and I would be there; they met at Canard's house.
- Q And you don't remember whether Sheldon Smith was adopted during the war by the southern Creeks? A I cannot recollect of it.
- Q State whether or not you know the northern Creeks who went with the union army, also continued a government? A I guess they must have had a government; I presume they did; I presume the chiefs kept their government--those who went north.
- Q Do you remember the first council that was held in the Creek nation after the close of the war when the two factions reunited? A I do.
- Q Did this question as to either faction having adopted non-citizens as citizens come up before the Commission? A I understand it did.
- Q Do you remember what the council did, if anything, with regard to these adoptions by both factions during the war?
- A My understanding--I got it from Yahola who was Chief of the southern faction; they met across Deep Fork, and they agreed that all the white men that was adopted while they was gone out of the nation; they would leave it so; let it be allright, and all we had adopted while we was south, we went down to stay; it was agreed.
- Q That is, you understand that when the Creeks reunited after the close of the civil war, that at the first council they held, they agreed to confirm the action of the two factions in adopting non-citizens during the way, while they were separated? A So I was told.
- Q Did you ever see any record of that council since the war?
- A I might have see it, but I can't say positively that I have. The records was all kept; Grayson was clerk of that meeting for the assembly across the Deep Fork.
- Q During all your residence in the Creek nation and your acquaintance with the Creek people, you have not heard that Mr. Smith was a citizen of the Creek Nation? A No, I never have heard that he was a full citizen.
- Q What do you mean by full citizen? A Entitled to all the rights and privileges of a native citizen.
- Q Have you considered him as an intermarried non-citizen? A That is the way I have looked upon him.
- Q You was not an officer in the council during the war, were you?
- A No sir.
- Q You have no positive knowledge as to whether Sheldon Smith was even admitted by the council, or by the chief men of the nation as a citizen prior to the war, or during the war? A No sir. I have not; no recollection or knowledge of the same.

-----  
Frances R. Brown having been first duly sworn, upon her oath states that as stenographer to the Commission to the Five Civilized Tribes, she reported in full all proceedings had in the above entitled cause on the 23rd, day of March 1901, and that the above and foregoing is a full, true and correct transcript of her stenographic notes of said proceedings on said date.

Subscribed and sworn to before me this 25th day of March, 1901.

*Frances R. Brown*  
Acting Chairman.





Particulars

On 10th day of June 1937, Secretary of the Interior  
under date of April 12, 1937, assigned the position of the Commis-  
sioner, dated May 11, 1937, providing that he was an adopted  
citizen of the Creek Nation.

Witness my hand and seal this 10th day of June 1937.

Commissioner of General

Charles

DEPARTMENT OF THE INTERIOR,  
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application of Shelton Smith for enrollment as an adopted citizen of the Creek Nation.

D E C I S I O N .

It appears from the record in this case that on September 28th, 1899, Shelton Smith appeared before this Commission at Muskogee, Indian Territory, and made application for enrollment as an adopted citizen of the Creek Nation, and that additional testimony in support of said application was introduced on March 23, 1901.

It also appears that said Shelton Smith is a white man, married to a citizen of the Creek Nation; that he was adopted as a citizen by the tribal authorities of the Creek Nation in 1855; that his name appears upon the roll of Creek citizens made under authority of the United States, and dated March 13, 1867, and that his name is found upon the 1895 pay roll of Broken Arrow town at No. 161.

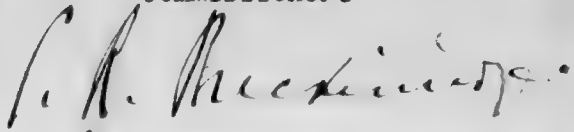
It is therefore the opinion of this Commission that said Shelton Smith is a citizen by adoption of the Creek Nation, and that he should be enrolled as a citizen of said nation in accordance with the provision of Section 21 of the Act of Congress approved June 28, 1898, (30 Stats., 498), and it is so ordered.

Commission to the Five Civilized Tribes.

  
  
Acting Chairman

Dated at Okmulgee, Indian Territory,  
this 11th day of May, 1901.

Commissioner.

  
Commissioner.

(copy)

Refer in reply to the following:

Letter  
4005-1902.

DEPARTMENT OF THE INTERIOR,  
Office of Indian Affairs,

Washington, January 30, 1902.

The Honorable

The Secretary of the Interior.

Sir:

There is inclosed herewith a report dated January 15, 1902, from T. B. Needles, Esq., Commissioner in charge of the work of the Dawes Commission, transmitting for the Department's consideration the record in the matter of the application of Shelton Smith for enrollment as a citizen by adoption of the Creek Nation.

The record in this case shows that the applicant, Shelton Smith, is a citizen of the Creek Nation by adoption, having been adopted by the Principal Chief in 1855; that since said time he has been recognized as a citizen of said nation; that he has not been required to pay permit tax, and that he has continuously resided in the Creek Nation since 1855.

From the record in the case it would seem that at the time the applicant was adopted by the Principal Chief there was then no National Council of the Creek Nation and that it was customary to adopt persons as citizens in the manner in which Mr. Smith was adopted. The office believes that the Commission's decision is correct and that it should be approved.

Very respectfully,  
Your obedient servant,  
W. A. JONES.  
Commissioner.

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5 inclosures.

C O P Y .

Muskogee, Indian Territory, January 18, 1902.

Mr. Shelton Smith,

Stone Bluff, Indian Territory.

Dear Sir:

There is herewith enclosed a copy of the decision of the Commission to the Five Civilized Tribes in the matter of your application for enrollment as an adopted citizen of the Creek Nation.

The decision, with a copy of the proceedings had in the case, is this day transmitted to the Secretary of the Interior for his review and decision. The final decision of the Secretary will be made known to you as soon as the Commission is informed of the same.

Yours truly,

T. B. Needles.

Commissioner in Charge.

1 enclosure  
S. S.  
Registered.



C O P Y .

Muskogee, Indian Territory, January 18, 1902.

The Honorable,

The Secretary of the Interior.

Sir:

There is herewith transmitted the record of proceedings in the matter of the application of Shelton Smith for enrollment as an adopted citizen of the Creek Nation, including the decision of the Commission, dated the 11th day of May, 1901, enrolling said applicant as a citizen of said Creek nation.

Respectfully,

T. B. Needles.

Commissioner in Charge.

Through the Commissioner  
of Indian Affairs.

1 enclosure.  
Creek.-25



COMMISSIONERS

HENRY L. DAWES,  
TAMM BIXBY,  
THOMAS B. NEEDLES,  
C. R. BRECKINRIDGE

ALLISON L. AYLESWORTH,  
SECRETARY

DEPARTMENT OF THE INTERIOR,

COMMISSION TO THE FIVE CIVILIZED TRIBES.

ADMISSION ONLY THIS  
COMMISSION TO THE FIVE CIVILIZED TRIBES

Muskogee, Ind. Ter. FEB 1 1902, 1902.

Received on this date from the Commission to the Five Civilized Tribes a copy of the record of proceedings in the matter of the application of Shelton Smith for enrollment as a citizen of the Creek Nation.

*A. P. M. Keeler*

Attorney for Creek Nation.

Creek No. 25.

CR EN 26

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DEPARTMENT OF THE INTERIOR,  
COMMISSION TO THE FIVE CIVILIZED TRIBES,  
MUSKOGEE, INDIAN TERRITORY.

In the matter of the application of Joseph Leroy Freeman for the enrollment of himself as a citizen of the Creek Nation.

It appears from the record that on May 11, 1901, a decision was prepared denying the application for the enrollment of Joseph Leroy Freeman, under the provisions of section 21 of the act of Congress approved June 28, 1898, on the ground that ~~they~~ <sup>he</sup> ~~was a~~ <sup>was a</sup> nonresident of the Indian Territory on said date.

Section 29 of the Creek agreement, ratified May 25, 1901, among other things, provides:

"Said commission shall have authority to enroll as Creek citizens \* \* \* such other recognized citizens found on the Creek rolls as might, by reason of nonresidence, be excluded from enrollment by section twenty-one of said Act of Congress approved June twenty-eighth, eighteen hundred and ninety-eight: Provided, That such nonresidents shall, in good faith, remove to the Creek Nation before said commission shall complete the rolls of Creek citizens as aforesaid."

The testimony taken in support of the application herein on August 1, 1901, shows that the applicant, Joseph Leroy Freeman, is clearly entitled to enrollment under the provision of law above quoted, and he is properly listed for enrollment on Creek Card, Field No. 3876.

It does not appear that the representatives of the Creek Nation have made any objection to the enrollment of the applicants herein and the transmission to the Department of the record in this case is therefore withheld in accordance with instructions of the Acting Secretary of the Interior, under date of February 1, 1902, as follows:

"Do not send records of evidence in Creek cases where you find the applicants are clearly entitled to enrollment and no objection is made by representatives of Creek Nation."

DEPARTMENT OF THE INTERIOR.  
COMMISSION TO THE FIVE CIVILIZED TRIBES.  
MUSCOGEE LAND OFFICE, SEPT. 28 1899.

In the matter of the application for enrollment of Joseph LeRoy Freeman as a citizen of the Creek Nation, said Freeman being sworn by John G. Lieber, notary public, testified as follows:

By the Commission:

- Q What is your name? A Joseph LeRoy Freeman.  
Q Are you a citizen of the Creek Nation? A I am now and have been for about six months.  
Q Where do you live? A At Checotah.  
Q How long have you lived at Checotah? A Since the 10th day of last April.  
Q Where did you live before you came to Checotah? A In the State of Louisiana.  
Q Where were you born? A In Louisiana.  
Q You are the son of whom? A Mrs. Josephine E. Freeman and L.C. Freeman.  
Q Is your father a citizen of the Creek Nation? A No sir.  
Q Is your mother a citizen of the Creek Nation? A Yes.  
Q Where were you born? A In the State of Louisiana.  
Q Where did you live prior to your coming to the Creek Nation in April? A In the State of Louisiana.  
Q How old are you? A I am 26 years old.  
Q Then you never lived in the Creek Nation until you came here  
Q ~~With my mother and father and the other members of the family in April, 1899?~~  
~~in April, 1899?~~  
Q in April, 1899? A No sir.  
Q With whom have you lived before coming to the Creek Nation? A At home with my father and mother.  
Q For what purpose did you come to the Creek Nation? A I came here to live and make my home here.  
Q Did you come for the purpose of establishing your rights in the Creek Nation and to get your lands? A Yes.  
Q Did you move here in good faith for the purpose of locating and settling in the Creek Nation? A Yes.

By Mr. Dawes:

- Q You were admitted to citizenship in the Creek Nation at the same time that your mother was with the other members of the family? A Yes.  
Q And your mother drew from the Creek Nation the headright payment due you at that time? A Yes.  
Q You were a minor at that time? A Yes.  
Q Why have you not come to the Creek Nation earlier than this time to establish a home here? A I had to stay at home and help support the folks.  
Q Was your financial condition and that of your parents such that you could have left them to come to the Creek Nation and establish a home earlier than you did? A No sir.  
Q When you came to the Creek Nation in the Spring of 1899, did you come here in good faith and with the intention to make your permanent home in the Creek Nation? A Yes.  
Q Believing that you were a Creek by blood and being admitted to citizenship you felt that you had a right to a home here, did you A Yes.  
Q And that this was the place for you? A Yes.

By the Commission;

- Q I believe you stated that you are 26 years of age? A Yes.
- Q How many brother have you? A Four.
- Q Give their names and ages? A I don't know whether I can or not. Lloyd C., 24 Theodore O., 16, Carlyle Dewitt 12 and Lynne Sidney 10.
- Q You stated to Mr. Dawes that your reason for not having come here sooner and taking up a home and residence in the Creek Nation was because you had no financial means and were compelled to stay at home and work and help support the members of your family, is that right? A Yes.
- Q Do you mean to say that you individually had no means since you arrived at the age of 21 to bring yourself here and establish a home in the Indian territory? A No, I did not mean that. I had to use what I had for them.
- Q Then you could have come and located here for yourself and established a home for yourself before you came in April 1899? A I don't think I could.
- Q Why? A What I made I had to give it to my folks.
- Q You are of age? A Yes.
- Q Why did you have to give it to your folks? A I thought it was right to do it.
- Q Do you think you would have come here yourself to establish your right if the other members of the family had not come? A I came here with my father about six months before the balance of the family came.
- Q Had you or any member of your family written any letter or letters to the Dawes Commission asking them if you had rights in the Creek Nation? A I had not written any.
- Q Has any member of your family, to your knowledge, written any letters of inquiry to the Dawes Commission? A No sir, not to my knowledge.

By Mr. Dawes:

- Q Your father's family is composed largely of small children and six girls who are dependent upon the efforts of the older boys and the father for a maintenance are they not? A Yes.
- Q For this reason after your admission to citizenship in the Creek Nation in 1890 you remained with your parents and by your efforts and labors helped to support your mother and minor children and girls of your family for some years after you were 21 years of age? A Yes.
- Q It was by reason of the discharge of this filial duty that you were not able to prepare yourself and come to the Creek Nation and establish your home here sooner than you did? A Yes.

By the Commission:

- Q You claim to have done this for a moral rather than a legal obligation do you? A Yes.
- Q How old is your father? A He is 52 years old, I believe.
- Q Is he in good health? A No sir, he is not in very good health. He has not been in good health for the last three or four years.
- Q What is the state of your brother's health that is next to you? A He has very good health.
- Q And your next brother? A He has very good health.
- Q Did the girls work any on the farm? A No sir, I would not let them.

By Mr. Dawes:

- Q The county that you came from in Louisiana is a poor country isn't

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it? A Yes.

Q Difficult for one to make more than a living at anything? A Yes.

By the Commission:

Q Is that the character of the different places you have lived since 1891? A Yes. All bad country.

NOTE:

It is agreed between the attorney for the applicant and the Dawes Commission that the testimony of Lloyd G. Freeman and Emma Josephine Freeman is the same in substance as that of Joseph Leroy Freeman and that their applications are hereby made based upon that testimony.

Department of the Interior,

Commission to the Five Civilized Tribes.

I hereby certify, upon my official oath as stenographer to above named Commission, that this transcript is a true, full and correct translation of my stenographic notes.

Brown McDonald



DEPARTMENT OF THE INTERIOR  
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application of Joseph LeRoy Freeman  
for enrollment as a citizen of the Creek Nation.

D E C I S I O N .

It appears from the record in this case that on September 27th, 1899, Joseph LeRoy Freeman appeared before this Commission at Muskogee, Indian Territory and made application for enrollment as a citizen of the Creek Nation.

It also appears from an examination of the Creek tribal rolls and records now in possession of this Commission that the said applicant has heretofore been recognized as a citizen of the Creek Nation by the tribal authorities thereof and that his name appears upon the 1890 authenticated Creek roll and upon the 1895 pay roll of Tuskegee Town of the Creek Nation.

It further appears that on June 28, 1898, said Joseph LeRoy Freeman was a resident of the state of Louisiana and that he removed to and established his residence in the Creek Nation in April, 1899.

The act of Congress approved June 28, 1898, ( 30 Stat. 495) provides:

"No person shall be enrolled who has not heretofore removed to and in good faith settled in the nation in which he claims citizenship: Provided, however, That nothing contained in this act shall be so construed as to militate against any rights or privileges which the Mississippi Choctaws may have under the laws of or the treaties with the United States."

It is therefore the opinion of the Commission that in accordance with the provisions of law above quoted the application of Joseph LeRoy Freeman for enrollment as a citizen of the Creek Nation should be denied and it is so ordered.

The Commission to the Five Civilized Tribes.



Acting Chairman.

Dated at Okmulgee, Indian Territory,

This 11<sup>th</sup> day of May, 1901.

DEPARTMENT OF THE INTERIOR.  
Commission to the Five Civilized Tribes.  
Muskogee Land Office, August 1, 1901.

In the matter of the application for enrollment of Joseph Leroy Freeman as a citizen of the Creek Nation. Being duly sworn said Freeman testified as follows:

- Q. What is your name? A. Joseph Leroy Freeman.  
Q. As a citizen of what Nation are you an applicant for enrollment? A. Creek Nation.  
Q. What is your age? A. Twenty-seven.  
Q. What is your post-office address? A. Checotah, Creek Nation.  
Q. Have you ever been recognized by the tribal authorities as a citizen of the Creek Nation? A. Yes, sir.  
Q. Have you ever been enrolled by the tribal authorities of the Creek Nation? A. Yes, sir.  
Q. Where do you live? A. Checotah.  
Q. You make your residence there? A. Yes, sir.  
Q. How long have you lived there? A. Since April 1899.  
Q. Have you been here continuously since that time? A. Yes, sir.  
Q. Where did you live prior to coming here? A. Louisanna.  
Q. Was it in April 1899 that you came here? A. Yes, sir.  
Q. What is the name of your father? A. Lloyd C. Freeman, Sr.  
Q. Is he living? A. Yes, sir.  
Q. Is his name on the rolls of the Creek Nation? A. No, sir.  
Q. Is he a citizen of the United States? A. Yes, sir.  
Q. What is the name of your mother? A. Josephine Freeman.  
Q. Is she living? A. Yes, sir.  
Q. Is her name on the rolls of the Creek Nation? A. Yes, sir.  
Q. To what town does she belong? A. Tuskegee.  
Q. To what town in the Creek Nation do you belong? A. Tuskegee.  
Q. Does your name appear on the 1890 authenticated rolls of the Creek Nation? A. Yes, sir.

1890 authenticated roll of the Creek Nation examined, and the name of J. L. Freeman found thereon, page 214.

- Q. Does your name appear on the 1895 rolls of the Creek Nation? A. Yes, sir.  
1895 Pay Roll, Tuskegee town, examined, and name of Jos. L. Freeman found thereon at page 403. It appears, however, that said applicant did not receive the \$14.40 per capita payment paid in 1895.  
Q. Do you make application for any one besides yourself? A. No, sir.  
Q. Is there any other statement that you desire to make at this time? A. No, sir.

It also appears from the records of this Commission that on the 11th day of May 1901, application of Jos. L. Freeman for enrollment for himself was refused, for the reason that said applicant was a non-resident of the Indian Territory prior to June 28, 1898, and did not in good faith remove to and settle in the Creek Nation in accordance with the provisions of act of Congress approved June 28, 1898 (30 Stats. 495) which reads as follows:

"No person shall be enrolled who has not heretofore removed to and in good faith settled in the Nation in which he claims citizenship."

You will at a later date be furnished with the decision of

the Commission in reference to the application made by you for  
enrollment as a citizen of the Creek Nation, which will be  
mailed to you at your post office address as given in the test-  
imony.

R. B. Eisenberg, having been first duly sworn, upon his  
oath states that as stenographer to the Commission to the  
Five Civilized Tribes, he reported in full all proceedings had  
in the above entitled cause on the 1st day of August, A.D.  
1901, and that the above and foregoing is a full, true and  
correct transcript of his stenographic notes of said proceed-  
ings on said date.

Subscribed and sworn to before me this  
5th day of August, A.D. 1901.

R. B. Eisenberg  
[Signature]  
Acting Chairman.

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*Carbon Copy*  
*10/10/1899*

DEPARTMENT OF THE INTERIOR.  
COMMISSION TO THE FIVE CIVILIZED TRIBES.  
MUSCOGEE LAND OFFICE, SEP. 27, 1899.

In the matter of the application of Mrs. Josephine E. Freeman in behalf of herself and minor children, for enrollment as citizens of the Creek Nation, to wit: Theodore O. Freeman, aged 16; Lynne Sidney Freeman, aged 10; Estelle Elizabeth Freeman, aged 10; Carlyle DeWitt Freeman, aged 12; Levitia Mamie Freeman, aged 20 and Ella Blanche Freeman aged 18, Josephine Freeman being sworn by Notary Public John G. Lieber, testified as follows:

By Mr. J.Q. Abbott:

- Q Your name is Mrs. Josephine E. Freeman is it not? A Yes.
- Q Are you married? A Yes.
- Q Is your husband a citizen or a non-citizen? A Non-citizen.
- Q How many children are there born to you and your husband now living? A Nine children.
- Q Can you give the age of each of the minors which you are now seeking to have enrolled? A Yes.
- Q Give the names and the ages? A Levitia Mamie 20 years; Ella Blanche 18 years; ~~James~~ Theodore O. 16 years; Carlyle DeWitt 12 years; Lynne Sidney 10 years and Estella Elizabeth 10 years.
- Q Where do you and your family now reside? A At Checotah.
- Q How long have you lived in Checotah? A About five days.
- Q Where did you move from to Checotah? A Oxford, La.
- Q What date did you arrive in Checotah? A 22nd day of September.
- Q How long did you live in Louisiana prior to your removal to Checotah on 22nd day of September, 1899? A I have been living in Louisiana all my life with my family.
- Q Where were you married? A Louisiana.
- Q Is your husband a native of Louisiana? A Yes.
- Q When before the 22nd day of September, 1899, were you in the Indian Territory? A In the year 1890.
- Q You made a visit in 1890? A Yes.
- Q For what purposes did you come to the Indian Territory on that occasion? A About my citizenship.
- Q What members of your family, if any, did you bring with you in 1890? A Lynne Sidney Freeman.
- Q Where were the other members of your family at that time? A They were in Alpha, La.
- Q Did you draw money for these children at that time? A I did.
- Q How much money, if you remember, did you draw for yourself and children at that time? A \$29 each.
- Q How long did you remain in the Indian Territory at that time? A One month.
- Q Then you went back to La., did you? A Yes.
- Q When was your next visit to the Indian Territory? A On the 22nd day of September, 1899.
- Q Where have you lived all the time between the time of your visit in 1890 and the 22nd day of September, 1899, when you returned to Checotah, I.T. A In Louisiana.
- Q For what purpose did you come back to the Territory on the 22nd day of September, 1899? A I came back for the purpose of making this my home.
- Q Did you move here in good faith? A Yes.
- Q Let me ask you if it was not for establishing your residence in the Creek Nation? A Yes, more for that than for anything else.
- Q Was it your expectation to have a home and remove in the Indian Territory? A Yes.
- Q Did you have a home in Louisiana? A No sir, we had no home there.
- Q Never have owned property there? A No sir, we had property there, but it was my father's property.



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DEPARTMENT OF THE INTERIOR.  
COMMISSION TO THE FIVE CIVILIZED TRIBES.  
MUSCOGEE LAND OFFICE, SEP. 27, 1899.

In the matter of the application of Mrs. Josephine E. Freeman in behalf of herself and minor children, for enrollment as citizens of the Creek Nation, to-wit: Theodore O. Freeman, aged 16; Lynne Sidney Freeman, aged 10; Estelle Elizabeth Freeman, aged 10; Carlyle DeWitt Freeman, aged 12; Levitia Mamie Freeman, aged 20 and Ella Blanche Freeman aged 18, Josephine Freeman being sworn by Notary Public John G. Lieber, testified as follows:

By Mr. J.Q. Abbott:

- Q Your name is Mrs. Josephine E. Freeman is it not? A Yes.
- Q Are you married? A Yes.
- Q Is your husband a citizen or a non-citizen? A Non-citizen.
- Q How many children are there born to you and your husband now living? A Nine children.
- Q Can you give the age of each of the minors which you are now seeking to have enrolled? A Yes.
- Q Give the names and the ages? A Levitia Mamie 20 years; Ella Blanche 18 years; ~~Ellen~~ Theodore O. 16 years; Carlyle DeWitt 12 years; Lynne Sidney 10 years and Estelle Elizabeth 10 years.
- Q Where do you and your family now reside? A At Checotah.
- Q How long have you lived in Checotah? A About five days.
- Q Where did you move from to Checotah? A Oxford, La.
- Q What date did you arrive in Checotah? A 22nd day of September.
- Q How long did you live in Louisiana prior to your removal to Checotah on 22nd day of September, 1899? A I have been living in Louisiana all my life with my family.
- Q Where were you married? A Louisiana.
- Q Is your husband a native of Louisiana? A Yes.
- Q When before the 22nd day of September, 1899, were you in the Indian Territory? A In the year 1890.
- Q You made a visit in 1890? A Yes.
- Q For what purposes did you come to the Indian Territory on that occasion? A About my citizenship.
- Q What members of your family, if any, did you bring with you in 1890? A Lynne Sidney Freeman.
- Q Where were the other members of your family at that time? A They were in Alpha, La.
- Q Did you draw money for these children at that time? A I did.
- Q How much money, if you remember, did you draw for yourself and children at that time? A \$29 each.
- Q How long did you remain in the Indian Territory at that time? A One month.
- Q Then you went back to La., did you? A Yes.
- Q When was your next visit to the Indian Territory? A On the 22nd day of September, 1899.
- Q Where have you lived all the time between the time of your visit in 1890 and the 22nd day of September, 1899, when you returned to Checotah, I.T. A In Louisiana.
- Q For what purpose did you come back to the Territory on the 22nd day of September, 1899? A I came back for the purpose of making this my home.
- Q Did you move here in good faith? A Yes.
- Q Let me ask you if it was not for establishing your residence in the Creek Nation? A Yes, more for that than for anything else.
- Q Was it your expectation to have a home and remove in the Indian Territory? A Yes.
- Q Did you have a home in Louisiana? A No sir, we had no home there.
- Q Never have owned property there? A No sir, we had property there, but it was my father's property.



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- Q Did you inherit it from your father? A Yes.  
Q Do you still own it? A No sir.  
Q When did you dispose of that property that you inherited from your father? A 15 or 20 years ago.  
Q The you have had no property since that time in Louisiana? A No sir

By Mr. S. B. Dawes:

- Q What is your blood? A Creek.  
Q You are a Creek Indian by blood? A Yes.  
Q When you came to the Creek Nation in 1890 what did you come here for? A. To establish my citizenship.  
Q Were you and your children admitted to citizenship in the Creek Nation by Act of the Creek Council in 1890? A We were.  
Q And were enrolled as such on the authenticated roll of 1890? A Yes.  
Q After establishing the citizenship of yourself and children in the Creek Nation in 1890 where did you go? A Louisiana.  
Q What did you go there for? A I returned to my children that I left behind.  
Q What was your purpose after you returned there? A We intended to come back to make our home in the Indian Territory.  
Q Did you make any effort after returning to Louisiana in 1890 to remove to the Creek Nation? A Yes.  
Q How soon after your return to Louisiana in 1890 did you make preparations to move back to the Creek Nation? A One month.  
Q What did you do in Louisiana a month after your return there towards preparing to move to the Creek Nation? A We did everything in our power. We sold everything in the world we had; all our household goods and property to return back to the Indian Territory.  
Q Did you start back to the Creek Nation in that same year? A Yes.  
Q How far from your Louisiana place of abode did you come? A About 100 miles below Shreveport.  
Q Why did you not complete the trip on to the Creek Nation at that time? A Financial affairs prevented it.  
Q What were your circumstances financially? A We did not get the means to come through with.  
Q For what purpose then did you stop where you did stop at? Did you stop there to establish a permanent home or to make preparations to continue your journey to the Creek Nation? A To make preparations to continue our journey to the Creek Nation. We remained there at that place about two years.  
Q At the expiration of the two years what did you do towards continuing your journey to the Creek Nation? A We made what preparations we could.  
Q Did you come part of the way from that place? A We moved 60 miles further towards the Creek Nation.  
Q What reason prevented you from continuing your journey towards this place? A We did not have the means and could not raise it.  
Q Did you intend to establish a permanent home at this second stop in Louisiana? A No sir.  
Q How long did you remain at this second place you stopped at? A About 6 years.  
Q During 6 years from the time you first started back to the Creek Nation until this time you have had with you and under your care and control your minor children? A Yes.  
Q They could not have come to the Indian Territory prior to the time they did could they? A No sir.  
Q Has it been your purpose in good faith to return to the Creek Nation and make this the future home of yourself and family from the time you were enrolled? A Yes.  
Q And you were prevented from doing so because of your inability to make the move? A Yes.

By Mr. J.Q. Abbett:

- Q You stated that you broke up house-keeping and sold all your goods and effects within one month after you r return to Louisiana in 1890 and started back together with your family to the Creek Nation? A Yes.
- Q What were the goods and effects that you sold preparatory to starting on your trip from Louisiana to the Creek Nation? A Household goods.
- Q Just enumerate them? Did you sell any horses and cattle? A Yes.
- Q How many horses? A Two or three horses.
- Q How many head of cattle? A 6 or 7 head of cattle.
- Q What else? A Corn.
- Q How much corn? A About 60 or 70 bushels of corn.
- Q What else? Did you sell any wheat? A No sir.
- Q Cotton? A No sir.
- Q What else did you sell? A Hogs and chickens.
- Q How much, if you remember, did all of these different articles that you have enumerated bring at sale after you were sold out? A Not more than \$100.
- Q What, if anything, besides the money that you raised from the sale of your property, did you have at that time? A I did not have any money.
- Q You say that you started back immediately after that sale towards the Creek Nation and got to a point 100 miles below Shreveport, La? A Yes.
- Q How far was that from the place that you started from? A About 30 miles.
- Q You stated that you stopped at that point on account of your financial affairs? A Yes.
- Q How did you go from your home to the first stop 30 miles distant? A We went by wagon.
- Q You stated that you stopped at that point on account of your financial condition A Yes.
- Q What became of the money that you received for your household goods and stock? A We borrowed money that I came with and we had to return the money back.
- Q How much of the sale money did you have to return to the person from whom you borrowed money to come here on? A I reckon it was about \$150.
- Q Then you had not paid any of that borrowed money at that time, had you? A No sir.
- Q Then you started away from your home for the Creek Nation with no money at all in your pocket? A Yes.
- Q Why did you start from Louisiana to the Creek Nation with your family without money. A Because we thought we would make a farm in Louisiana and get here after awhile.
- Q The you stopped in Louisiana the first time for the purpose of making a farm? A Yes.
- Q How long did you remain at the first place 30 miles distant from your old home? A One year.
- Q What did you do at this point? A Farmed.
- Q Then you broke up and left that place and came to what point? A Oxford, La.
- Q How far distant is that from the stopping place? A About 5 miles.
- Q How long did you remain at Oxford? A About six years.
- Q What industry did you engage in during those six years at Oxford? A Farming.
- Q Where did you go at the close of the six years? A We strted to Checotah. We came immediately from Oxford here.
- Q How did you come from Oxford to Checotah— overland or by rail? A By rail.

- Q At the first place you came to you stayed one year and the second place you stayed six years? That make seven years. Where were you in the meantime, it has been nine years since 1890? What about the other two years? A I must have stayed two years at home before starting. The payment was made in February 1891 and I drew that money and went back.
- Q Then you must have remained at your home before starting on the first trip a year and a month instead of a year. Is that correct? A Yes.
- By Mr. Daves:
- Q You answered a moment ago that you ~~stayed~~ made this first step in Louisiana for the purpose of making a farm to enable you to come on to the Creek Nation? A Yes.
- Q What did you mean by the term "Farm?" A I meant to make the means of coming on.
- Q Did you own any home in Louisiana at that time? A No sir, we were renting.
- Q Then after your return from the Creek Nation in 1891 you had no established home, but were endeavoring to make enough money to settle here? A Yes.
- Q You and your children Lloyd C., Levitia Mamie, Theodore O., Lynne Sidney, Estelle Elizabeth, Joseph LeRoy, Emma Josephine, Burdette Howell, Carlyle DeWitt and Ella Blance are all Creek Indians by blood and were admitted to citizenship in the Creek Nation by Act of the Council in 1890? A Yes.
- Q And since that admission it has been your intention in good faith to return to the Creek Nation and establish a home for yourself and family? A Yes.
- Q And this month has been the earliest time you could have done so on account of your financial circumstances? A Yes.

## Department of the Interior,

Commission to the Five Civilized Tribes.

I hereby certify, upon my official oath as Commissioner of the above named Commission, that this is a true, full and correct translation of my original notes.

*Brown McDonald*

DEPARTMENT OF THE INTERIOR,  
COMMISSION TO THE FIVE CIVILIZED TRIBES,  
MUSKOGEE, INDIAN TERRITORY.

In the matter of the application of Josephine Freeman for the enrollment of herself and her four minor children, Theodore O., Carlyle Dewitt, Lynne Sidney and Estelle Elizabeth Freeman, as citizens of the Creek Nation.

It appears from the record that on June 27, 1900, a decision was prepared denying the application for the enrollment of Josephine Freeman and her four minor children, Theodore O., Carlyle Dewitt, Lynne Sidney and Estelle Elizabeth Freeman, under the provisions of section 21 of the act of Congress approved June 28, 1898, on the ground that they were nonresidents of the Indian Territory on said date.

Section 29 of the Creek agreement, ratified May 25, 1901, among other things, provides:

"Said commission shall have authority to enroll as Creek citizens \* \* \* \* \* such other recognized citizens found on the Creek rolls as might, by reason of nonresidence, be excluded from enrollment by section twenty-one of said Act of Congress approved June twenty-eighth, eighteen hundred and ninety-eight: Provided, That such nonresidents shall, in good faith, remove to the Creek Nation before said commission shall complete the rolls of Creek citizens as aforesaid."

The testimony taken in support of the application herein on August 1, 1901, shows that the applicants, Josephine Freeman, Theodore O., Carlyle Dewitt, Lynne Sidney and Estelle Elizabeth Freeman, are clearly entitled to enrollment under the provision of law above quoted, and they are properly listed for enrollment on Creek Card, Field No. 3866.

It does not appear that the representatives of the Creek Nation have made any objection to the enrollment of the applicants herein and the transmission to the Department of the record in this case is therefore withheld in accordance with instructions of the Acting Secretary of the Interior, under date of February 1, 1902, as follows:

"Do not send records of evidence in Creek cases where you find the applicants are clearly entitled to enrollment and no objection is made by representatives of Creek Nation."

DEPARTMENT OF THE INTERIOR.  
COMMISSION TO THE FIVE CIVILIZED TRIBES.  
MUSKOGEE LAND OFFICE.  
JUNE 27, 1900.

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In the matter of the application for enrollment of Josephine Freeman, for her serself and her minor children as Creeks.

Josephine Freeman, being first duly sworn by Acting Chairman Bixby, testifies as follows:

- Q What is your name? A Josephine Freeman.  
Where do you live? A Checotah.  
Q Indian Territory? A Yes sir.  
Q How long have you lived at Checotah? A About nine months.  
Q What is your father's name? A Dr. Howard.  
Q Is he living? A No sir, he is not living.  
Q Was he a Creek Indian? A No sir, no Indian at all. He was a white man.  
Q What was your mother's name? A Mary Weatherford.  
Q Is she living or dead? A Dead.  
Q Was she a Creek Indian? A Yes sir.  
Q Was her name ever upon any of the Creek rolls? A No sir.  
Q Did she ever live in this country? A No sir.  
Q Where did she live? A In Alabama.  
Q What proportion of Creek blood did your mother have? A About one eighth I guess.  
Q You claim to be one sixteenth then? A Yes sir.  
Q Has your name ever been on the Creek roll? A Yes sir.  
Q You were born in Alabama? A No, in Louisiana.  
Q Did you ever live in this country prior to the time you came to Checotah? A No sir.  
Q You were admitted then to citizenship in the Creek nation through the action of the Creek Council? A Yes sir.  
Q Have you a copy of that act of the Council? A No sir, I did have it but it was lost.  
Q Under what name were you admitted to citizenship in the year 1890 in the Creek Nation? A Under what name?  
Q Yes. A Josephine E. Freeman.  
Q I am unable to find any Josephine E. Freeman in the book? A Yes, sir, but that was a mistake.  
Q You didn't apply as Josephine Bruner? A Oh, no.  
Q Well, where am I to look for the act admitting you to citizenship in the Creek Nation? A Where are you to look?  
Q Yes. A We were recognized in 1890.  
Q Is your name found upon the Creek roll of 1890? A Yes sir.  
Q In what town? A Tuskegee town.  
Q What are the names of your minor children? A J. L. Freeman.  
Q What does J. L. Stand for? A Joseph Leroy.  
Q How old is he? A He is twenty six. No, he is twentyseven.  
Q He is not a minor; I want the names of the children under twentyone.  
A Theodore O. is the first one.  
Q How old is he? A He is sixteen.  
Q The next one? A Carlyle Dewitt Freeman.  
Q How old is he? A Thirteen.  
Q Next. A Lynne Sydney.  
Q How old is he? A He is eleven. Estelle Elizabeth.  
Q How old is she? A Eleven.  
Q Is that all? A Yes sir, that is all.  
Q What is the name of the father of these children? A Lloyd C Freeman.  
Q Is he living? A Yes sir.



- Q He is a white man? A Yes sir.
- Q He don't claim to be an Indian then? A No, he is not an Indian.
- Q Are these children living with you? A Yes sir, they are all at home with me.
- Q Has their residence always been the same as yours? A Yes sir, always with mine.
- Q How did it happen that you were admitted by the Creek Council in 1890? did you come here and make an application? A Yes sir, I come here and made application for myself and children.
- Q How long did you remain here at that time? A During the month of October, one month.
- Q October 1890? A Yes sir.

On page 214 of the authenticated roll of 1890, Tuskegee Town is found the name of Mrs. Josephine M. Freeman, Joseph Leroy Freeman, Theodore O. Freeman, Carlyle D. Freeman, Lynne S. Freeman, and Estella M. Freeman.

- Q The only residence you or your children have ever had in the Indian Territory or in the Creek Nation has been during the past nine months, has it? A What do you say?
- Q The only time you have resided in the Creek Nation has been during the past nine months? A Yes sir.
- Examined by Mr. McKellop, Attorney.
- Q Just state why you didn't get here? A Financial affairs embarrassed me was the cause of me not getting here.
- Acting Chairman:
- Q Is that all, Mrs. Freeman, you want to state about it? A Yes sir.
- Attorney:
- Q You made efforts to come here? A Yes sir. We made efforts every year after we come here to get back but failed every year.
- Commissioner Breckinridge.
- Q Mrs. Freeman, your name and the names of the different members of your family were entered upon the Creek roll in 1890? A Yes sir.
- Q Where did you come from when you came to the Territory at that time? A Louisiana.
- Q And in what month did you come here? A October.
- Q When did you leave here? A I left the last day of October.
- Q And what members of your family came with you? A Lynne S., my little boy.
- Q One child? A Yes sir.
- Q How old was he? A Two years old; he was the baby.
- Q The balance of your family remained in Louisiana? A Yes sir.
- Q What were they doing down there? A Farming.
- Q Where in Louisiana? A About sixty miles below Shreveport.
- Q Did they own land or were they renting then? A Renting land.
- Q You didn't come here at that time for the purpose of making this your home? A No sir, we didn't come and make this our home at that time; we didn't bring the balance of our family.
- Q You were not prepared to make this your home? A No sir, I came with the intention of going back and bringing the family.
- Q Have you lived continuously in Louisiana since that time? A Yes sir.
- Q In the same locality? A Not at the same place, but in Louisiana.
- Q What business has your husband followed? A Farming.
- Q Renting land? A Yes sir.
- Q What efforts have you made to come back and make your home in the Territory? A We tried to make every effort we could to get back but failed, it looked like, every year. We disposed of everything in the world we had.
- Q When did you do that? A We did that in -- let me see-- year before last, I think.
- Q Year before last? A Yes sir.



- Q And it was year before last that you made an earnest effort to come back? A We had been making efforts to come back before that and we strove harder and harder.
- Q Then you sold out everything you had? A Yes sir.
- Q Did you come immediately here? A No sir, we had sickness and death.
- Q And you stayed where you were? A Yes sir.
- Q When did you come here? A The twenty second day of last September.
- Q What is your husband doing now in this Territory? A He is just a laborer, working.
- Q At such occupation as he can get? A Such as he can get.
- Q What property did your husband have down in Louisiana? A We had a few horses and cows--
- Q Personal property of that kind? A Yes sir.
- Q He had no land to dispose of or property of that description?
- A Yes, we had a little home but we disposed of that. Didn't get much for it.
- Q I thought you said you were renting? A Well, we did rent for the last years back.
- Q How many years back? A About three years or four; we didn't have much of a place. Mr. Freeman's health had failed.
- Q I understood you to say that you were renting in 1890? A Not in 1890; we had our home then but we disposed of that and thought we would come back but didn't have the means, and had to rent.
- Q When did you dispose of that? A In 1891.
- Q And after that rented land? A Yes sir.
- Q You disposed of that but held your horses and cows? A No sir, every thing went with the land.
- Q Did you get pay for it? A Not much.
- Q When did you have this sickness in your family, and death? A The last death happened about a year ago.
- Q When was the other death? A The other about three years ago.
- Q About three years ago? A Yes sir.

Acting Chairman: Mrs. Freeman, under the law our duty is perfectly clear. We are compelled to refuse the enrollment of yourself and children for the reason that you did not remove to and in good faith establish your residence in the Creek Nation prior to the 28th day of June, 1898, as required by the law of June 28th, 1898. The same applies to the case of Ella Blanche Baker.

Anna Bell, being first duly sworn by Acting Chairman Bixby, states that as stenographer to the Commission to the Five Civilized Tribes she reported in full the testimony in the above matter, and that the above and foregoing is a true and correct transcript of her stenographic notes in said cause.

*Anna Bell*

Subscribed and sworn to before me this 18 day of July, 1900.

*[Signature]*

Acting Chairman.

DEPARTMENT OF THE INTERIOR,  
COMMISSION TO THE FIVE CIVILIZED TRIBES,  
JUDGMENT RENDERED AND COPY  
MAILED APPLICANT.

JUL 9 1900

*[Signature]*

Acting Chairman.

DEPARTMENT OF THE INTERIOR.  
COMMISSION TO THE FIVE CIVILIZED TRIBES.

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In the matter of the application of Josephine Freeman, for herself and on behalf of her minor children, Theodore O., Carlyle Dewitt, Lynne Sidney and Estelle Elizabeth, for enrollment as citizens by blood of the Creek Nation.

J U D G M E N T .

After hearing all of the evidence in the matter of this application of Josephine Freeman for enrollment of herself and her minor children, Theodore O., Carlyle Dewitt, Lynne Sidney and Estelle Elizabeth, as citizens by blood of the Creek Nation, this Commission finds that the said Josephine Freeman and her said minor children, Theodore O., Carlyle Dewitt, Lynne Sidney and Estelle Elizabeth, did not, prior to June 28th, 1898, remove to and in good faith settle in the Nation in which they claim citizenship, as provided in the Act of Congress, approved June 28th, 1898.

It is, therefore, the judgment of this Commission that the enrollment of the said Josephine Freeman, and of her said minor children Theodore O., Carlyle Dewitt, Lynne Sidney and Estelle Elizabeth, as citizens by blood of the Creek Nation be, and the same is hereby, refused by this Commission.

By the Commission.

  
Acting Chairman.

Muskogee, Indian Territory, June 27th, 1900.

DEPARTMENT OF THE INTERIOR,  
COMMISSION TO THE FIVE CIVILIZED TRIBES,  
JUDGMENT RENDERED AND COPY  
MAILED APPLICANT,  
JUL 9 1900

  
Acting Chairman.

DEPARTMENT OF THE INTERIOR,  
COMMISSION TO THE FIVE CIVILIZED TRIBES.

— 98 —

In the matter of the application of Josephine Freeman, for herself and on behalf of her minor children, Theodore O., Carlyle Dewitt, Lynne Sidney and Estelle Elizabeth, for enrollment as citizens by blood of the Creek Nation.

J U R O R E M E N T .

After hearing all of the evidence in the matter of this application of Josephine Freeman for enrollment of herself and her minor children, Theodore O., Carlyle Dewitt, Lynne Sidney and Estelle Elizabeth, as citizens by blood of the Creek Nation, this Commission finds that the said Josephine Freeman and her said minor children, Theodore O., Carlyle Dewitt, Lynne Sidney and Estelle Elizabeth, did not, prior to June 28th, 1898, remove to and in good faith settle in the Nation in which they claim citizenship, as provided in the Act of Congress, approved June 28th, 1898.

It is, therefore, the judgment of this Commission that the enrollment of the said Josephine Freeman, and of her said minor children Theodore O., Carlyle Dewitt, Lynne Sidney and Estelle Elizabeth, as citizens by blood of the Creek Nation be, and the same is hereby, refused by this Commission.

By the Commission,

  
Acting Chairman.

Muskogee, Indian Territory, June 27th, 1900.

DEPARTMENT OF THE INTERIOR  
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.  
Tuskegee, Indian Territory, August 1, 1901.

In the matter of the application of Josephine Freeman for enrollment of herself and four minor children, Theodore O, Carlyle De-witt, Lynne Sidney, and Estelle Elizabeth Freeman, as citizens of the Creek Nation under agreement approved May 25, 1901. Josephine Freeman being duly sworn testified as follows:

- Q. As a citizen of what nation are you now making application for yourself and four minor children? A. Creek Nation.
- Q. What is your name? A. Josephine Freeman.
- Q. What is your age? A. Forty-seven.
- Q. What is your post office address? A. Checotah.
- Q. Have you and your minor children ever been recognized by the tribal authorities of the Creek Nation as citizens of that Nation? A. We have.
- Q. Have you ever been enrolled by the tribal authorities of the Creek Nation as citizens? A. We have.
- Q. Do your names appear on the tribal rolls of the Creek Nation? A. Yes, sir.
- Q. Where do you live? A. Checotah.
- Q. Do you make your residence there? A. Yes, sir.
- Q. How long have you lived at Checotah? A. About two years.
- Q. Where did you live prior to that time? A. Louisiana.
- Q. How long did you live there? A. All my life.
- Q. Have you lived in the Territory continuously since your removal here? A. Yes, sir.
- Q. What is the name of your father? A. Dr. Howell.
- Q. Is he a citizen of the Creek Nation? A. No, sir.
- Q. Is he a citizen of the United States? A. Yes, sir.
- Q. What is the name of your mother? A. Mary Levitt Weatherford.
- Q. Is she a citizen of the Creek Nation? A. Yes, sir.
- Q. To what town in the Creek Nation does she belong? A. Tuskegee.
- Q. Does her name appear on any of the rolls of the Creek Nation? A. No, sir. Her name was never put on the rolls.
- Q. To what town in the Creek Nation do you belong? A. Tuskegee.
- Q. Does your name appear on the 1890 authenticated roll of the Creek Nation? A. It does.

1890 authenticated roll of the Creek Nation examined, and the names of Mrs. J. H. Freeman, Theodore O, Carlyle De-witt, Lynne Sidney, and Estelle Elizabeth Freeman, are found thereon at page 214.

- Q. Does your names appear on the 1895 roll of the Creek Nation? A. Yes, sir.

1895 Pay Roll of the Creek Nation, Tuskegee town, examined, and the names of Josie Freeman, Theodore O, Carlyle De-witt, Lynne Sidney, and Estelle Elizabeth Freeman are found thereon, at pages ~~214~~ 402, 409, 410, 411, and 412. It appears, however, that said applicants did not receive the \$14.40 per capita payment that was paid out in 1895.

- Q. What are the names and ages of your minor children? A. Lynne Sidney and Estelle Elizabeth are 12 years old, and Carlyle De-witt and Theodore O, are 14 and 17 years respectively.
- Q. Are there any other statements in reference to your application

that you desire to make at this time? A. I wish to state that we did not receive our money, that is the \$14.40 payment made in 1895. We were not present when the money was issued and did not get our share.

It also appears from the records of the Commission that on the 27th day of June 1899, application of Josephine Freeman for enrollment of herself and minor children above named was refused, for the reason that said applicants were non-residents of the Indian Territory prior to June 28, 1898, and did not in good faith remove to and settle in the Creek Nation in accordance with the provisions of act of June 28, 1898 (30 Stats. 495) which reads as follows:

"No person shall be enrolled who has not removed to and in good faith settled in the Nation in which he desires citizenship."

You will be furnished at a later date with a copy of the Commission's decision in reference to application made by you at this time for enrollment of yourself and minor children, which will be mailed to you at your present post office address as given in the testimony.

R. B. Eisenberg, having been first duly sworn, upon his oath states that as stenographer to the Commission to the Five Civilized Tribes, he reported in full all proceedings had in the above entitled cause on the 1st day of August 1901, and that the above and foregoing is a full, true and correct transcript of his stenographic notes of said proceedings on said date.

R. B. Eisenberg

Subscribed and sworn to before me this  
5<sup>th</sup> day of August, A. D. 1901.

\_\_\_\_\_  
Acting Chairman.



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(COPY)  
Department of the Interior.  
Commission to the Five Civilized Tribes.  
Muskogee, I. T., January 15, 1901.

In the matter of the application of Sarah Fox for the enrollment of three children as Cherokee citizens; she being sworn and examined by Commissioner C. R. Brookinridge, testified as follows:

Q Give me your full name. A Sarah Fox.  
Q How old are you? A About 65.  
Q What is your postoffice? A Fort Gibson, I live here in Muskogee now.  
Q Muskogee now? A Yes sir.  
Q In what district do you live in - do you live in the Cherokee Nation? A Yes sir.  
Q Do you live in Canadian district? A Yes sir.  
Q Who is it you want to enroll; yourself? A Myself and children.  
Q No husband, have you? A No, he's dead.  
Q How many children have you? A Five children.  
Q Are these children all under 21 years of age? A Part of them under age.  
Q You can't apply for those over 21; how many have you got under 21? A Three.  
Q Are you a Cherokee by blood? A Yes, I am part of it.  
Q Do you claim to have Cherokee blood in you? A Yes sir.  
Q How long have you lived in the Cherokee Nation? A I have lived there ever since the great war.  
Q How long has your husband been dead? A About 13 years.  
Q What is his name? A Creek Jim Fox.  
Q Now in these children, you have got one named Dave, born in 1880. He is 20 years old, isn't he? A Yes.  
Q This copy out of the family record says that Susie Fox was born in 1883; she's 17? A Yes.  
Q And Lucinda was born in 1886; she was 14 then, is that right? A Yes.  
Q Is that the youngest one? A Yes, she is the youngest one.  
Q These children all three living, are they? A Yes sir.  
1880 roll; page 544, #644, Sarah Fox, ~~State~~ Jim, Illinois district.  
1880 roll; page 545, #878, Dave Jim, Illinois district.  
1896 roll; page 859, #676, Sarah Fox, Illinois district. ( on the roll as a Creek ).

By W. W. Hastings, representative of the Cherokee Nation-

Q Are you part Creek and part Cherokee? A Yes sir.  
Q Have you been enrolled on the Creek roll? A Yes sir.  
Q You have been enrolled and you want your children enrolled now? A Yes sir.

(redirect)

1896 roll; page 859, #680, Dave Fox, Illinois district (Creek)  
1896 roll; page 859, #681, Susie Fox, " " "  
1896 roll; page 859, #682, Cynthia " " "

Q You don't want to be enrolled yourself as a Cherokee; you just want these three children enrolled, is that it? A Yes sir.  
Q You just want these children put on the Cherokee roll; you don't want to go on it yourself? A No sir.  
Q All these three children living with you at this time in the Cherokee Nation? A Yes sir.  
Q Have they always lived with you? A Yes, they always have.

By W.W.Hastings-

Q Did you apply to have these children enrolled as Creeks? A Yes sir.

re-direct.

Q You have applied to have these three children put down as Creeks, have you? A Yes, they never was put down.

Commissioner Brookinridge-

The applicant applies for the enrollment of three of her

2- S.F.

children, who are minors. She is identified on the roll of 1880 as a native Cherokee, and on the roll of 1896 as a Creek. She states that she has lived in the Cherokee Nation ever since the Civil war, and that she has applied for the enrollment of these three children as Creeks, but it does not appear that any definite decision has been reached in regard to that application. The record in connection therewith is not consulted just at this moment. The oldest child, Dave Fox, is identified on the roll of 1880 as a Cherokee, and on the 1896 roll as a Creek, ~~and likewise the child, Lucinda; they are living now.~~ The child, Sunie, is identified on the roll of 1896 as a Creek, and likewise the child, Lucinda; they are living now. All three of these children are said to be now living with their mother in the Cherokee Nation, and to have so lived continuously since their birth. In order to consult the status of the Creek roll, these children will now be listed, as Cherokees by blood, but upon a doubtful card, and the final decision will be made known to the applicant at her postoffice address.

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E. G. Rothenberger, being duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes, he reported in full the testimony and proceedings in the above case, and that the foregoing is a full, true and correct transcript of his stenographic notes in said case.

E. G. Rothenberger.

Subscribed and sworn to before me this 16th day of January, 1901.

T. E. Needles,  
Commissioner.

(Copy)

DEPARTMENT OF THE INTERIOR  
COMMISSION TO THE FIVE CIVILIZED TRIBES,  
WASHDC, D. C., FEBRUARY 21st, 1901.

In the matter of the enrollment of Pasy Fox as a citizen of the Cherokee Nation; Sarah Fox being sworn and examined by Commissioner Needles, testified as follows:

- Q What is your name? A Sarah Fox.  
Q How old are you, Mrs. Fox? A Something over 50.  
Q What is your post office? A Huchings New.  
Q What district do you live in, in the Cherokee Nation? A Canadian district.  
Q Are you a recognized citizen of the Cherokee Nation? A I was when I lived over yonder.  
Q What do you want to enroll? A Two girls there; they want to stay in the Cherokee Nation.  
Q How old are these children of yours; are these your girls?  
A Yes, sir.

PASY FOX, being sworn and examined by Commissioner Needles, testified as follows:

- Q What is your name? A Pasy Fox.  
Q How old are you? A 23.  
Q What is your post office address? A Fort Gibson.  
Q Where do you live? A In Illinois district.  
Q Are you a citizen of the Cherokee Nation? A Yes, sir.  
Q Are you also on the rolls of the Creek Nation? A I don't know.  
Q Well now, do you want to be a Cherokee citizen or Creek citizen?  
A Cherokee.  
Q You elect to be a Cherokee do you? A Yes, sir.  
Q What is your mother's name? A Sarah Fox.  
Q Is she living? A Yes, sir.  
Q What is your father's name? A James Fox.  
Q Is he living? A No, sir.  
Q Where were you born? A In the Cherokee Nation.  
Q Have you always lived in the Cherokee Nation? A Yes, sir.  
Q Didn't you never live in the Creek Nation? A No, sir.  
Q Was your father a Creek? A Yes, sir.  
Q Is your mother a Cherokee or Creek? A Cherokee.  
Q And your father was known as Jim Fox, was he? A Yes, sir.

Tribal Rolls of citizens of the Cherokee Nation examined and applicant's name found thereon as follows:

1880 Authenticated Roll; page 844, #645, Pessie Jim, Illinois District.

1896 Census Roll; page 689, #679, Pessie Fox, Illinois District.

- Q You have always lived in the Cherokee Nation, have you?  
A Yes, sir.  
Q Are you married? A No, sir.

Com'r Needles:--The name of Pasy Fox is found upon the authenticated roll of 1880 as Pessie Jim and she is duly identified as the applicant, Pasy Fox, and her name is also found upon the Census Roll of 1896. It appears from the records of the Creek Nation now in the possession of this Commission in regard to Creek citizenship that the said Pasy Fox made application to be enrolled as a Creek citizen and the final judgment as to her application as a Creek has not been given, her application is still pending. Now since the said Pasy Fox and elects to take her allotment in the Cherokee Nation and to be enrolled as a Cherokee citizen. She is duly identified according to the page and number of the rolls and makes satisfactory proof as to her residence, consequently the said Pasy Fox will be duly listed for enrollment as a Cherokee citizen by Special

Page 702--2.

J. O. Rosson, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes, he correctly recorded the testimony and proceedings in this case, and that the foregoing is a true and complete transcript of his stenographic notes thereof.

(Signed) J. O. Rosson.

Subscribed and sworn to before me this 23d day of February, 1901.

(Signed) T. B. Needles,

Commissioner.

(Copy)

**SUPPLEMENTAL TESTIMONY.**

**D. #1040.**

**DEPARTMENT OF THE INTERIOR,  
COMMISSION TO THE FIVE CIVILIZED TRIBES,  
MUSKOGEE, I.T., FEBRUARY 21st, 1901.**

**SUPPLEMENTAL TESTIMONY in the matter of the enrollment of  
DAVID, SUSAN and LUCINDA FOX, as citizens of the Cherokee Nation:**

**SARAH FOX, being sworn and examined by Commissioner Needles,  
testified as follows:**

- Q What is your name? A Sarah Fox.  
Q What is your age? A Over 50.  
Q What is your post office? A Muskogee here.  
Q Where do you reside? A I live out five miles from here.  
Q Canadian district? A Yes, sir.  
Q How who do you desire to have enrolled as Cherokees? A All  
these children.  
Q David and Susan and Lucinda? A Yes, sir.  
Q How old is David? A I think he is 20.  
Q How old is Susan? A She is 17.  
Q How old is Lucinda? A 14.  
Q Are you a Cherokee by blood? A I am half Cherokee and half  
Creek.  
Q What was your mother? A She was a Creek Indian.  
Q Your father was a Cherokee? A Yes, sir.  
Q You elect for these three minor children of years to be enrolled  
as Cherokees or Creeks? A Cherokees.

**Com'r Needles:--Sarah Fox appears and elects that her three  
children, David, Susan and Lucinda, be enrolled as Cherokee citi-  
zens and reference is made to the original testimony in the case.**

---oooOooOooo---

**J. O. Rosson, being first duly sworn, states that as steno-  
grapher to the Commission to the Five Civilized Tribes, he correctly  
recorded the testimony and proceedings in this case, and that the  
foregoing is a true and complete transcript of his stenographic  
notes thereof.**

**(Signed) J. O. Rosson.**

**Subscribed and sworn to before me this 23d day of February, 1901.**

**(Signed) T. B. Needles.**

**Commissioner.**

DEPARTMENT OF THE INTERIOR  
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application of Moses Fox, Passie Fox, Dave Fox, Susan Fox and Cynda Fox for enrollment as citizens of the Creek Nation.

D E C I S I O N .

It appears from the record in this case that on September 27, 1899, application was made to this Commission at Muskogee, Indian Territory, for the enrollment of Moses Fox, Passie Fox, Dave Fox, Susan Fox and Cynda Fox as citizens of the Creek Nation and that additional testimony in support of said application was taken on May 22, 1900. An examination of the records of this Commission discloses the fact that said parties were upon application duly made to this Commission subsequent to the dates above given, listed for enrollment as citizens by blood of the Cherokee Nation.

It is therefore the opinion of the Commission that the application for the enrollment of said Moses Fox, Passie Fox, Dave Fox, Susan Fox and Cynda Fox as citizens of the Creek Nation should be denied and it is so ordered.

The Commission to the Five Civilized Tribes.



Acting Chairman.

Dated at Okmulgee, Indian Territory,  
this the 16th day of May, 1901.



DEPARTMENT OF THE INTERIOR,  
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of Moses Fox, Bessie (or Passie) Fox, Dave Fox, Susan Fox and Cynda Fox as citizens of the Creek Nation.

DECISION.

It appears from the records in this case that on September 27, 1899, Sarah Fox appeared before the Commission, at Muskogee, Indian Territory, and made application for the enrollment of her children, Moses Fox, Bessie (or Passie) Fox, Dave Fox, Susan Fox and Cynda Fox, as citizens of the Creek Nation and that additional testimony, in support of said application, was taken on May 28, 1900.

It also appears that the right to enrollment of the parties above named is based upon the judgment of the Creek Citizenship Commission, commonly called the Gilport Commission, rendered on September 30, 1896, but in which the names of the applicants herein were not mentioned or included, the claim being made that their names were erroneously omitted from said judgment.

There have been attached to the record in this case copies of the testimony taken on January 15 and February 21, 1901, in the matter of the application for the enrollment of Dave Fox, Susie Fox, Lucinda Fox and Pasy Fox as citizens of the Cherokee Nation, showing their relation to be enrolled as Cherokee citizens, and from which it appears that the names of the mother, Sarah Fox, and the children, Dave Fox and Pasy Fox, are found upon the 1880 authenticated Cherokee roll and that Susan Fox and Cynda Fox were born subsequent to 1880.

It further appears from the testimony of the mother, Sarah Fox, taken on January 15, 1901, that Moses Fox is more than twenty one years of age and it does not appear of record that he has ever made personal application to this Commission for enrollment as a citizen of either the Cherokee or Creek Nation. The tribal rolls of the Cherokee Nation have been examined and the name of Moses Fox is found upon the 1880 Cherokee roll, No. 947, as Moses Jim, and upon the 1896 Cherokee roll, No. 678 as Mose Fox.

It further appears from an examination of the Creek tribal records in the possession of this Commission that the applicants herein have never been recognized by the tribal authorities of the Creek Nation as citizens of said nation; that their names do not appear upon any of the Creek tribal rolls; that they have not been admitted to citizenship in the Creek Nation by the Commission to the Five Civilized Tribes, or by the legally constituted authorities of the Creek Nation, or by the United States Court in Indian Territory, on appeal, in accordance with the provisions of the act of June 10, 1898 (30 Stats. 321).

It is therefore the opinion of the Commission that Moses Fox, Bessie (or Passie) Fox, Dave Fox, Susan Fox and Cynda Fox are not citizens of the Creek Nation and duly and lawfully enrolled as such, and that the application for their enrollment as citizens of the Creek Nation should be denied without prejudice to their claims to citizenship in the Cherokee Nation and it is so ordered.

Commission to the Five Civilized Tribes.  
Tams Bixby Acting Chairman  
T.B. Needles, Commissioner  
C.R. Breckinridge, Commissioner

Dated at Muskogee, I.T., this  
7th day of May 1902.

Copy.

Creek En. 28.

Muskogee, Indian Territory, February 5, 1903.

P. G. Reuter,

Clerk in charge Cherokee Land Office,  
Vinita, Indian Territory.

Dear Sir:

The Creek Enrollment Division is in receipt of your letter of January 30, 1902, asking whether any application has been made for the enrollment of Moses Fox (or Moses Jim), a son of Sarah Fox, as a citizen of the Creek Nation, and if so what disposition has been made of the application.

In reply thereto, you are advised that the records of this office show that on September 27, 1899, Sarah Fox made application to the Commission for the enrollment of her five minor children, Moses, Passie, Dave, Susan and Cynda Fox, as citizens of the Creek Nation; that on May 7, 1902, the Commission rendered its decision denying said application, and that thereafter, under date of June 9, 1902, the Secretary of the Interior affirmed the decision of the Commission, denying said application for the enrollment of said Moses, Passie, Dave, Susan and Cynda Fox, as citizens of the Creek Nation.

Respectfully,

Commissioner in Charge.

1880 roll page 544, No 947, Illinois Dist  
as Moses Jim.

1896 roll page 859, No 678, Illinois Dist  
as Moses Bob.

MEMORANDUM.

Person      Sex

      "      "

      "      "

Susan        "

and        "

were listed for enrollment as citizens by blood of the Cherokee Nation on Cherokee roll Cards, Field number D-1040, Field number 7343.

Pasy Fox was listed for enrollment as a citizen by blood of the Cherokee Nation on the 21st day of October, 1900, on Cherokee Roll Card, Field No. 7343..

Dave Fox, Susie Fox and Lucinda Fox were listed for enrollment as citizens by blood of the Cherokee Nation on the 15th day of January, 1901, upon Cherokee Roll Card, Field No. D - 1040.



REFER IN REPLY TO THE FOLLOWING:

Cherokee  
8943

DEPARTMENT OF THE INTERIOR.  
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

Muskogee, Indian Territory, June 21, 1906

Chief Clerk,

Creek Enrollment Division.

Dear Sir:

You are requested to advise this office whether or not any application has ever been made for the enrollment as a citizen of the Creek Nation of Moses Fox, aged about thirty years, a son of Creek Jim, deceased, and Sarah Fox, a duly enrolled citizen of the Creek Nation.

Respectfully,

Commissioner

L M B

Muskogee, Indian Territory, June 26, 1906.

Chief Clerk,

Cherokee Enrollment Division.

Dear Sir:

Receipt is acknowledged of your letter, dated June 21, 1906, requesting information as to whether or not application has ever been made for the enrollment as a citizen of the Creek Nation of Moses Fox, aged thirty years, son of Creek Jim, deceased, and Sarah Fox, a duly enrolled citizen of the Creek Nation.

In reply you are advised that the records of this office show that on September 27, 1899, Sarah Fox appeared before the Commission to the five civilized Tribes, at Muskogee, Indian Territory, and made application for the enrollment of her children, Moses Fox, Bessie (or Passie) Fox, Dave Fox, Susan Fox and Cynda Fox, as citizens of the Creek Nation; that further proceedings were had in said matter May 27, 1900 and that the decision of the Commission of May 7, 1902, denying the application

-2-

For the enrollment of said Moses Fox, et al, as citizens of the Creek Nation, was affirmed by the Department under date of June 8, 1902. A copy of said decision of the Commission is inclosed herewith.

Respectfully,

Commissioner.

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CR EN 29

DEPARTMENT OF THE INTERIOR.  
COMMISSION TO THE FIVE CIVILIZED TRIBES.  
MUSCOGEE LAND OFFICE Sept. 26, 1899.

IN THE MATTER OF THE APPLICATION OF Evelyn Duff and children, Jesse C., Edith J. and Harrold A. Duff for enrollment as citizens of the Creek Nation, and Evelyn Duff, being sworn by John G. Lieber, testified as follows:

By Mr. J. Q. Abbott:

- Q. What is your name? A. Evelyn Duff.  
Q. Are you married? A. Yes sir.  
Q. What is your husband's name? A. John A. Duff.  
Q. Is your husband still living? A. Yes.  
Q. Where is your husband now living? A. On pecan creek in the Creek Nation.  
Q. How long have you been living in the Creek Nation? A. It will be one year next November.  
Q. Where had you been living prior to your removal to the Indian Territory? A. In Chicago.  
Q. How long had you been living in Chicago before you moved to the Creek Nation in November? A. Three years.  
Q. Where were you married? A. In Normal, Illinois.  
Q. How long after you were married, did you remain in Illinois?  
A. I remained there three years, I think it was.  
Q. You and your husband lived there and kept house did you? Yes.

By Mr. S. B. Dawes:

- Q. Where were you born? A. In the Old Agency in the Creek Nation.  
Q. Who was your father? A. Morris Coleman.  
Q. Was he a citizen of the Creek Nation? A. Yes.  
Q. Enrolled on the Dunn Roll? A. I guess so, I don't know.  
Q. Was he also known as Morris Stidham (Steadham)? A. He was known both ways, but mostly by Morris Coleman.  
Q. Was he a Creek freedman? A. Yes.  
Q. Is he living now? A. Yes, he is living at Okmulgee.  
Q. How old are you? A. 30.  
Q. How long did you live in the Creek Nation after your birth?  
A. Until I was going on 21 years old.  
Q. Where did you first go after leaving the Creek Nation?  
A. To Normal, Illinois.  
Q. Why did you go there? A. I went with the school teachers from Tallahassee Mission, Creek Nation.  
Q. Where was your permanent home at that time? A. With my father.  
Q. Where was he living then? A. At Old Agency in the Creek Nation.  
Q. How long did you remain away from the Creek Nation after you went to Illinois this first time? A. I remained there 4 years.  
Q. At the expiration of that four years, where did you go?  
A. I came back to my father's in the Creek Nation in 91 and I stayed nine months.  
Q. At the expiration of that time, where did you go? A. I went back to Normal.  
Q. What did you do there? A. I worked and cooked for a living.  
Q. How long did you remain away that time? A. I remained away three years.  
Q. What year did you come back to the Creek Nation? A. In 1895.  
Q. After your return to the Creek Nation in 1895 how long did you remain here? A. I remained here seven months.  
Q. Where did you go then? A. I went back to Chicago and came back here in November, 1898.  
Q. Did you draw money from the Creek Nation in '90? A. I drew the \$20.00 payment and the \$14.00 payment and the \$4.00 payment, but I do not know when it was. The \$14.00 payment was in 1895.

Evelyn Duff - 2.

BY Mr. J. Q. Abbott.

Q. Did you draw ~~him~~ it yourself? A. No, my father drew it.

Q. Were you here at the time of the payment? A. No sir.

Q. You made three visits to your home after having gone to Illinois? A. Yes.

Q. The first time you stayed nine months up there and then you came back here? A. Yes.

Q. You stayed how long here? A. I stayed nine months the first time I came back.

Q. Then you went back -- what year to Illinois? A. I went back in 1891.

Q. And then you stayed in Illinois about three years? A. Yes.

Q. And came back in 1895, did you? A. Yes.

Q. How long did you remain here when you came back in '95?

A. About seven months.

Q. Then you went back to Illinois? A. Yes.

Q. What place in Illinois? A. Chicago.

Q. That was in '95, was it? A. Yes.

Q. How long after you left here and went back to Chicago was it before you were married? A. I was married in '92. I was home in '91 and went back to Normal and got married.

Q. How long after you were married was it before you went to house keeping? A. It was about a week.

Q. You went to house keeping in what place? A. In Normal.

Q. Now then, did you and your husband ever live together and keep house in the Indian Territory up to last November? A. We lives with my uncle here. My husband remained in Illinois all the time until last November.

Q. You have been married hoe many times? A. Just once.

Q. Are you and your husband now keeping house in the Indian Territory? A. We are keeping house with my uncle.

Q. Were your children born in Illinois? A. Yes.

Q. Where are they now? A. Out at my uncle's with me and my husband.

Q. Can you give me the date of your return in November last?

A. 24th of November, 1898.

BY Mr. Dawes.

Q. Give the names ages and sex of your children? A. Jesse C. is 5 years old, Edith J. will be three years old the seventh day of next January, Harrold A. will be two years old next May.

## Department of the Interior,

Commission to the Five Civilized Tribes.

I hereby certify, upon my official oath as  
Stenographer to above named Commission, that  
the foregoing is a true, full and correct trans-  
cription of the oral testimony of the above  
deponent.

Brown December 1898



September 30, 1899.

ADDITIONAL TESTIMONY

By Mr. Dawes

- Q Where were you during the year 1897? A I was in the Creek nation
- Q What time in the year did you come to the Creek Nation and from where?
- A I came from Chicago, and I came on the 21 day of March into the Creek Nation.
- Q Whereabouts in the Creek Nation did you stop? A I stopped at my uncles.
- Q How long did you remain in the Creek Nation that year?
- A I remained until the 15th day of August
- Q During that time did you select any land in the Creek nation for yourself and children? A I had a selection back side of my uncles there.
- Q Who is your uncle? A Pete Steadham
- Q Was that selection within his enclosure and under his control?
- A Some of it was; not all of it; I don't know how many acres there was.
- Q Was any of it under the control of anyone else at that time?
- A Not as I know of.
- Q No one else had any claim on the land you selected at that time?
- A Not as I know of, never heard of anyone.
- Q Was it your intention at that time to make a permanent home on the land you selected? for yourself and children? A Yes sir.
- Q Why didn't you carry out that intention? A Because the other lady filed on it.
- Q In 1897? A In 1897 the pasture was up there, and they didn't allow you to build in the pasture.
- Q This land you selected was in a pasture? A It was in a neighborhood pasture.
- Q And under the customs or the laws of the Creek Nation at that time you could not take up land and improve it without the consent of the pasture company? A That was what they said.
- Q For that reason you did not complete your arrangements for making a home on that land? A Yes sir.
- Q You were enrolled by the commission here last year? A Yes I was enrolled over across there.

By M. J. Q. Abbott

- Q You drew your money in 1890, the \$29 payment? A Yes sir, I drew it; I didn't draw it; my father drew it; he always did draw it
- Q I think you said you were married in 1892? A Yes sir.
- Q Where were you living in 1890 at the time your father drew the \$29 payment? A I was in Illinois.
- Q How many times did you make a visit to the Indian Territory from the time you left in 1890 up until you returned with your family in the fall of 1898? A That was the third visit.
- Q Your husband never came to the Territory until 1898, did he?
- A No sir.
- Q You was married in 1892? A Yes sir.
- Q And you and your husband, together with your children, lived all that while, and kept house, in the state of Illinois? A Yes.
- Q Tell why it was that you and your husband together with your family never came to the Territory until 1898 for the purpose of taking up land and making a home?
- A Because one thing, we did not have money enough, and another thing, we had sickness and death, and it kept us back.
- Q You kept coming didn't you. You have been here on several occasions? A Yes sir.

- Q And on each of these occasions did you bring any of your family with you? A Yes, in 1897 I brought a whole lot of my household furniture.
- Q Why in 1897 didn't your husband come here and take up his home? A We didn't have money enough to move all of them.
- Q You came in 1897? A Yes sir, brought all the children and some of the household goods.
- Q When you found out your husband could not come on account of financial matters, you and your family went back to him, did you? A Yes sir.
- Q Which would cost more, to take yourself and family and household goods back to Illinois, or bring your husband here? A The household goods cost the most.
- Q It would cost more for you to take yourself and family and household goods back to Illinois than to bring your husband here? A No, it didn't cost more; it didn't cost for the family; it cost for me and some of my things I took back.
- Q Were people taking up land during 1897 here? A I didn't hear anything about people.
- Q You stated a while ago that you prepared to take up land, didn't you? A Yes, I didn't prepare to take it up, but that was my intention when I came to build out there, and I had it in my mind when I was down here in 1891, not knowing anyone else had it under control.

By Mrs. Rodgers:

- Q When you were here in 1897, you did not take all of your things back? A No, I didn't take them all back; I left a few things.

By Mr. Abbott:

- Q Is your husband here now? A Yes sir.
- Q You and he and your family are living with your uncle? A Yes.
- Q You are not keeping house are you? A No, not keeping house.
- Q Just staying with your uncle? A Yes, living there with him.

By Mr. Dawes:-

- Q That is your home with your uncle? A It is now, until I can get one.
- Q When you came in 1897 and brought part of your household goods, was it your purpose to move here and establish a home here? A Yes.
- Q And you didn't because you didn't get possession of this land? A I didn't have enough money, and I had rather be back with him to see after things when he was away, to work to advantage to get along

PETER STEADHAM being duly sworn and examined testified as follows:

By Mr. Dawes:

- Q Your name is Peter Steadham? A Yes sir. sometimes Peter Coleman.
- Q Are you a citizen of the Creek Nation? A Yes sir.
- Q You reside in the Creek Nation? A Yes sir.
- Q Is Evelyn Duff your niece? A Yes sir.
- Q Where is she living now? A She is living with me now.
- Q Was she in the Creek Nation during the spring and summer of '97? A Yes, and she put up fruit and everything.
- Q Where? A My house.
- Q Did she bring with her children and a part of her household effects at that time? A Yes sir.
- Q How long did she stay that year? A I don't know anything about how long; she has been here since; I could not say, but until August sometime; she put up all the

fruit she wanted

Q State whether or not she, during that summer, with your assistance and advise, selected any lands of the Creek Nation for herself and children? A Yes, she selected some land that was in a pasture; it was a neighborhood pasture.

Q Where was this land with reference to your home place?

A Kind of southeast.

Q Was it adjoining any part of your land?

A Yes, joins my home pasture.

Q Did any other citizen of the Creek nation have the control and right of use and occupancy of that tract of land that she selected? A No, not as I know of.

Q The land she selected was land that you had contributed to the neighborhood pasture? A Yes, many years ago, before she went back seven years ago.

Q You say you advised her to wait until the neighborhood pasture was broken up and she could take possession before making selection?

A Yes, you know Joe Davis--

By Mr. Abbott:

Q What relation did you say this lady is to you? A My Niece.

Q Do you know what year she went from the Creek Nation to the state of Illinois? A No, I don't know; she was at the mission; I don't know what year. the teachers took her out.

Q Do you know how many times she returned to the nation while she was gone? A Yes, she returned every year to my place.

Q She did? A Yes.

Q You mean she came back from Illinois to your place every year?

A Yes, before Cleveland was elected the second time; every year she was there.

Q If she went away in 1890, she came back in 1891, 1892, 1893, 1894, 1895, 1896, 1897 and 1898, did she? All of those several years?

A Yes, every year.

Q You have a distinct recollection of her having come back every year? A Yes, every year she was back.

Q Do you know what year she was married? A Well, I think she was married near Cleveland's election as far as I can tell you; I never kept no memoranda.

Q Cleveland was elected his second term in 1892, was that her first visit back? A. No, she was at my house going out.

Q As a matter of fact, she was never back but three times all her stay in Illinois? A She was back every year; never kept and memorandum.

Q She was back every year as far as you recollect? You have not a very vivid recollection of it? A No, she was back every year; I recollect well about it.

Q Were you one of the parties that held this pasture land in company? A I was one of them.

Q How many different heads of families were there?

A About 18 or 20

Q She wanted land to settle on out of that common pasture land?

A Yes, she selected it, but Joe Davis, told her it was the pasture--

Q You could have got her a place besides in that pasture land, couldn't you if you had tried?

A Well, the law always turns us out.

Q Answer the question, could she have got a home for herself and family at the time she claims she attempted to get this land, if she had tried? A I don't know how that was, but we all agreed that

when the pasture was done away with----

Q That isn't answering the question. Were there no other lands in the Creek nation that she could have filed on?

Evelyn Duff-6

- A Yes, but she wanted a certain place.
- Q Not being able to get a certain place, she took herself back to Illinois and staid until 1898? A Back and forwards.
- Q It was in 1897 she came back and tried--A No, it was 1897, Cleveland's election the second time.
- Q That was 1892 A Well, 1892, yes I never kept any record of it.
- Q That was the year she was back? A I don't keep no record.
- Q She was here in 1897 and attempted to take up land and on account of the pasture you advised her to wait until it was opened up?
- A Yes, that was 1897
- Q There were other lands, but she wouldn't have any other except this particular selection? A Close to there, yes.
- Q Not having taken any other land, she went back to Illinois?
- A She went back to Illinois and told me to wire in the land for her to put a fence around it.
- Q Then she went back and staid until 1898? A Yes sir.
- Q Was there any time from 1890 to 1898 that she had her husband and her family back here with her? A She had her family all the time, but her husband came in 1898.
- Q Her husband had never been here until 1898? A No sir.
- Q You had never seen him? A No sir.
- Q The family never had a home here? A No sir.
- Q The family home was in Illinois? A No, her home was here.
- Q What makes you say that? A That's my niece, she came home.
- Q Simply because she is your niece, makes no difference; She has always had a home in Illinois? A Yes sir.
- Q She was married there? A Yes sir.
- Q Her children were born there? A Yes sir.
- Q And she went to housekeeping there? A Yes sir.
- Q And never came here to live until 1898, or her husband? A No.
- Q And you say she has a home here? A Yes.
- By Mr. Dawes: Q She was born and raised here? A Yes sir
- Q She had a home here by reason of her birth in the nation A Yes.
- Q And an inheritance in the Creek nation by reason of her birth?
- A Yes sir.

Department of the Interior,  
Commission to the Five Civilized Tribes.

I hereby certify, upon my official oath as stenographer to above named Commission, that this transcript is a true, full and correct translation of my stenographic notes.

Francis R. Brown

Evelyn Duff-6

- A Yes, but she wanted a certain place.
- Q Not being able to get a certain place, she took herself back to Illinois and staid until 1898? A Back and forwards.
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- Q Her children were born there? A Yes sir.
- Q And she went to housekeeping there? A Yes sir.
- Q And never came here to live until 1898, or her husband? A No.
- Q And you say she has a home here? A Yes.
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- Q And an inheritance in the Creek nation by reason of her birth?
- A Yes sir.

Department of the Interior,  
Commission to the Five Civilized Tribes.

I hereby certify, upon my official oath as stenographer to above named Commission, that this transcript is a true, full and correct translation of my stenographic notes.

Francis R. Brown



DEPARTMENT OF THE INTERIOR,  
COMMISSION TO THE FIVE CIVILIZED TRIBES,  
MUSKOGEE, INDIAN TERRITORY.

In the matter of the application of Evaline Duff for the enrollment of herself and her four minor children, Jesse C., Edith J., Harrold A. and Bina Blanche Duff, as citizens of the Creek Nation.

It appears from the record that on May 3, 1900, a decision was prepared denying the application for the enrollment of Evaline Duff and her children, Jesse C., Edith J., and Harrold A. Duff, under the provisions of section 21 of the act of Congress approved June 28, 1898, on the ground that they were nonresidents of the Indian Territory on said date. The child, Bina Blanche Duff, was born December 30, 1899 and was living July 1, 1900.

Section 29 of the Creek agreement, ratified May 25, 1901, among other things, provides:

"Said commission shall have authority to enroll as Creek citizens \* \* \* \* \* such other recognized citizens found on the Creek rolls as might, by reason of nonresidence, be excluded from enrollment by section twenty-one of said Act of Congress approved June twenty-eighth, eighteen hundred and ninety-eight: Provided, That such nonresidents shall, in good faith, remove to the Creek Nation before said commission shall complete the rolls of Creek citizens as aforesaid."

The testimony taken in support of the application herein on June 7, 1901, shows that the applicants, Evaline, Jesse C., Edith J., Harrold A. and Bina Blanche Duff, are clearly entitled to enrollment under the provision of law above quoted, and they are properly listed for enrollment on Creek Freedman Card, Field No. 1250.

It does not appear that the representatives of the Creek Nation have made any objection to the enrollment of the applicants herein and the transmission to the Department of the record in this case is therefore withheld in accordance with instructions of the Acting Secretary of the Interior, under date of February 1, 1902, as follows:

"Do not send records of evidence in Creek cases where you find the applicants are clearly entitled to enrollment and no objection is made by representatives of Creek Nation."



DEPARTMENT OF THE INTERIOR.

COMMISSION TO THE FIVE CIVILIZED TRIBES/

\*\*\*\*\*


In the matter of the application of Evelyn Duff for enrollment of herself and children, Jesse C., Edith J and Harrold A. Duff, as citizens of the Creek Nation:

DECISION/

It appears from the evidence in this case that for nearly six years prior to November 24th, 1898, the applicant and her children were residents of the state of Illinois, and that they did not remove to the Indian Territory until November 24th, 1898.

The act of Congress, June 28th, 1898, provides that "no person shall be enrolled who has not heretofore removed to and in good faith settled in the nation in which he claims citizenship", and the applicant, Evelyn Duff, and her children, Jesse C., Edith J. and Harrold A. Duff, being non-residents of the Indian Territory on the date of the passage of said act, her application for enrollment of herself and children as citizens of the Creek Nation is therefore denied.

Dated this 3rd day of May, 1900.

  
Acting Chairman

EXAMINATION OF THE INDIAN  
COMMISSIONERS OF THE FIVE CIVILIZED TRIBES.  
MUSKOGEE INDIAN TERRITORY, JUNE 7th, 1901.

In the matter of the application of Evaline Duff  
for the enrollment of herself and her four minor children, James  
C., Edith S., Harold A. and Nina Blanche Duff as citizens of  
the Creek Nation under the agreement approved May 25th, 1901.  
Evaline Duff being duly sworn, testified as follows:

Examination by the Commission.

- Q. As a citizen of what Nation are you making application for  
the enrollment of yourself and your minor children? A. Of  
what Nation? A. Creek Nation.
- Q. What is your name? A. Evaline Duff.
- Q. What is your age? A. Thirty-two, will be 33 this coming Janu-  
ary.
- Q. What is your post office address? A. Lee.
- Q. Have you and your minor children for whom you now make appli-  
cation ever been recognized by the tribal authorities of  
the Creek Nation as citizens of the Creek Nation? A. Yes sir.
- Q. Have you ever been enrolled by the Creek tribal authorities  
as citizens of the Creek Nation? A. By the Council, you mean?
- Q. By the Creek tribal authorities? A. Yes sir.
- Q. Do your names appear on the tribal rolls of the Creek Nation?
- A. Yes sir.
- Q. Where do you live? A. On Cane Creek.
- Q. In the Creek Nation? A. Yes sir.
- Q. How long have you lived there? A. I lived there for the  
last two years.
- Q. Where did you live prior to that time? A. Well, I lived on  
Pecan Creek for the last year.
- Q. How long did you live on Pecan Creek? A. A year and a half  
since I came back to the Creek Nation.
- Q. When did you return to the Nation? A. In 1900.
- Q. In what month? A. November 24th.
- Q. Where did you live prior to November 24th, 1900? A. Illinois.
- Q. How long did you live in Illinois? A. About five years, off  
and on, I have been backwards and forwards there.
- Q. Where did you live before that? A. I lived here before I was  
born and raised here in the Creek Nation.
- Q. Is your father's name on the Gunn Roll? A. Yes sir.
- Q. What is his name? A. Morris Stidham.
- Q. Is he living? A. Yes sir.

It appears from the records of the Commission that  
Morris Stidham has been enrolled on Freedmen Card,  
Field number 100.

- Q. What is your mother's name? A. Ellen.
- Q. Ellen what? A. Ellen Coleman.
- Q. Does her name appear on any of the rolls of the Creek Nation?
- A. No sir, she was not a citizen.
- Q. What was she? A. She was Creek and Choctaw mixed.
- Q. Was she Choctaw? A. I can't tell you what she was, she was  
mixed.
- Q. What town in the Creek Nation do you belong to? A. Arkansaw.
- Q. How long have you lived in the Indian Territory?
- A. All my life.
- Q. Have you been outside the Territory in the last four years?
- A. No sir, I haven't.
- Q. Are you sure about that now? A. Four years? A. You see I came  
here in '98, I haven't been here four years.
- Q. Well, then you have been outside? A. Yes sir.

2. Evaline Duff.

- Q For what purpose did you leave the Territory and how long were you absent? A Well, I went back to Illinois where I was living.
- Q Does your name appear on the 1890 Authenticated roll of the Creek Nation? A 1890?
- Q When the \$29 was paid. A Yes sir, I received the \$29.

1890 Authenticated roll of the Creek Nation examined and the name of Evaline Duff not found thereon.

- Q Under what name were you enrolled? A Coleman.
- Q Evaline Coleman? A Yes sir.

1890 Authenticated roll of the Creek Nation examined and the name of Evaline Coleman found thereon at page 32.

- Q Does your name appear on the 1895 Authenticated Census roll of the Creek Nation? A Yes sir, I think it does, I drew it the \$14.
- Q Under what name were you enrolled in 1895? A Well, I was Duff in 1895, I don't know whether it was changed or not, I didn't change it.

1895 Authenticated roll of the Creek Nation, Arkansas Town examined and the name of Evaline Duff not found thereon, neither does the name of Evaline Coleman appear on said roll.

- Q Did you ever go by any other name? A None but Coleman, until I was married.
- Q Who were you enrolled with? A My father.
- Q What was his name? A Morris Stidham, he goes by, Stidham was his freedmen's name. His father was Coleman, we went by Coleman and he went by Stidham.

1895 Authenticated roll of the Creek Nation, Arkansas Town examined and the name of Evaline Stidham found thereon at number 663 together with the name of Morris Stidham.

- Q Are you married? A Yes sir.
- Q Is your husband a citizen of the Creek Nation? A No sir.
- Q What is his citizenship? A United States citizen.
- Q Have you any children under twenty one years of age and unmarried for whom you now desire to make application?
- A Yes sir, I have three.
- Q Give their names and ages? A Jesse C. Duff, age will be eight this coming February the ninth day, Edith J. Duff she will be four years this coming January,--
- Q Next? A Harrold A. Duff, he was three years old the 7th day of May, and Bipa was a year and seven months old the 30th day of last December.
- Q Is that all? A Yes sir, that's all.
- Q Are all these children living? A No sir, one is dead.
- Q Which one is dead? A Edith.
- Q When did she die? A She died in 1900.
- Q Give the day and the month? A August the 29th day, it was.
- Q How old was she at the time of her death? A She was going on three years old, she was born in 1896.

#3. Evaline Duff.

Q Do these children live with you? A Yes sir.

Q Where were they born? A They were born in the North, this one was born here, Bina I mean.

It also appears from the records of the Commission that on the 3rd day of May, 1900, application was made of Evaline Duff for the enrollment of herself and her minor children, Jesse C., Edith J., and Harold A. Duff was refused for the reason that the said applicants were non-residents of the Indian Territory prior to June 28th, 1898, and did not in good faith remove to, and settled in the Creek Nation in accordance with the provisions of an act of Congress approved June 28th, 1898, which reads, as follows: "No person shall be enrolled who has not heretofore removed to, and in good faith settled in the Nation in which he claims citizenship."

You will be furnished at a later date with a copy of the decision of the Commission with reference to this application made by you at this time for the enrollment of yourself and your minor children as citizens of the Creek Nation, which will be mailed to you at your present post office address.

Lena Cummings having been first duly sworn, upon her oath states that as stenographer to the Commission to the Five Civilized Tribes, she reported in full all proceedings had in the above entitled cases on the 7th day of June, 1901, and that the above and foregoing is a full, true and correct transcript of her stenographic notes, of said proceedings on said date.

*Lena Cummings*

Subscribed and sworn to before at  
Muskogee, Indian Territory, this 7th  
day of June, A.D., 1901.

  
Acting Chairman.



DEPARTMENT OF THE INTERIOR,  
COMMISSION TO THE FIVE CIVILIZED TRIBES.

IN RE Application for Enrollment, as a citizen of the Creek Nation,  
of Bina Blanche Duff (Here insert name of child.) , born on the 30 day of Dec , 1899  
Name of Father: John Duff , a citizen of the Noncitizen Nation.  
Name of Mother: Eveline Duff , a citizen of the Creek Nation.  
Post-office, Lee, Ind Ter.

## AFFIDAVIT OF MOTHER.

UNITED STATES OF AMERICA, }  
INDIAN TERRITORY, }  
Northern District. }

I, Eveline Duff , on oath state that I am 32  
years of age and a citizen, by adoption , of the Creek Nation;  
that I am the lawful wife of John Duff , who is a citizen, by  
of the United States Nation, that a female child was  
(male or female)  
born to me on the 30 day of December , 1899; that said child has been  
named Bina Blanche Duff , and is now living.

WITNESSES TO MARK

(Must be Two Witnesses)

Subscribed and sworn to before me this 13 day of July , 1901.

John E. Fieber  
NOTARY PUBLIC.

## AFFIDAVIT OF ATTENDING PHYSICIAN, OR MIDWIFE.

UNITED STATES OF AMERICA, }  
INDIAN TERRITORY, }  
Northern District. }

I, Bina Stidham , a midwife , on oath state that I  
attended on Mrs. Eveline Duff , wife of John Duff  
on the 30 day of December , 1899; that there was born to her on  
said date a female child; that said child is now living and is said to have been  
(male or female)  
named Bina Blanche Duff .

WITNESSES TO MARK

(Must be Two Witnesses)

Subscribed and sworn to before me this 13 day of July , 1901.

John E. Fieber  
NOTARY PUBLIC.

DEPARTMENT OF THE INTERIOR,  
COMMISSION TO THE FIVE CIVILIZED TRIBES.

IN RE Application for Enrollment, as a citizen of the Creek (or Muskogee) Nation, of  
*Pina Blanche Duff*, born on the *30<sup>th</sup>* day of *December*, 18*99*.  
(Here insert name of child.)  
 Name of Father: *John Duff*, a citizen of the *Creek* Nation.  
 Name of Mother: *Evilene Duff*, a citizen of the *Creek* Nation.  
 Post-office, *Lea*, *D. T.*

## AFFIDAVIT OF PARENT.

(To be made if child is now living.)

UNITED STATES OF AMERICA,  
INDIAN TERRITORY,

District. }

I, *John Duff*, on oath state that I am *forty one*  
 years of age and a citizen, by *marriage*, of the Creek (or Muskogee) Nation;  
 that I am the *father* of *Pina Blanche Duff*,  
(father or mother.) (Here insert name of child.)  
 a *female* child who was born on the *30<sup>th</sup>* day of *December*, 18*99*,  
(male or female)  
 and that said child is now living. *John Duff.*

WITNESSES TO MARK:

(Must be Two Witnesses.)

*E. M. Leary*  
*L. S. Webster*

Subscribed and sworn to before me this *7<sup>th</sup>* day of *October*, 190*1*.

*Henry B. Hagmann*  
 NOTARY PUBLIC.

## AFFIDAVIT OF PARENT.

(To be made if child is deceased.)

UNITED STATES OF AMERICA,  
INDIAN TERRITORY,

District. }

I, \_\_\_\_\_, on oath state that I am \_\_\_\_\_  
 years of age and a citizen, by \_\_\_\_\_, of the Creek (or Muskogee) Nation;  
 that I am the \_\_\_\_\_ of \_\_\_\_\_,  
(father or mother.) (Here insert name of child.)  
 a \_\_\_\_\_ child who was born on the \_\_\_\_\_ day of \_\_\_\_\_, 1\_\_\_\_\_,  
(male or female)  
 and that said child died on the \_\_\_\_\_ day of \_\_\_\_\_, 1\_\_\_\_\_.  
 \_\_\_\_\_

WITNESSES TO MARK:

(Must be Two Witnesses.)

Subscribed and sworn to before me this \_\_\_\_\_ day of \_\_\_\_\_, 190\_\_\_\_.

NOTARY PUBLIC.



CR EN 30

CR EN 30

DEPARTMENT OF THE INTERIOR.  
COMMISSION TO THE FIVE CIVILIZED TRIBES.  
MUSCOGEE LAND OFFICE, OCT. 7, 1899.

In the matter of the application of Charlie Corbray for allotment of lands to his children, Charlotte Corbray and Henry Corbray.  
(By Mr. Hopkins)

- Q What is your name? A Charlie Corbray.  
Q How old are you? A I am about 50.  
Q What town do you belong to? A Arkansaw.  
Q How many children have you? A Six, but they are not all of one mother; Henry and Charlotte are of one mother.  
Q What was her name? A Charlotte.  
Q Do you know her full name? A No sir.  
Q What are the names of the other four children? A Morris, Nellie, Katie and Rachel.  
Q What was their mother's name? A Rose McGillbray.  
Q She was your lawful wife, was she? A Yes sir.  
Q You were not married to this woman Charlotte you speak of? A No sir.  
Q You were not living together as husband and wife? A No sir.  
Q These two children, Charlotte and Henry, were born to you while you were living with your lawful wife, Rose McGillbray? A Yes sir.  
Q You never claimed to anybody that this woman, Charlotte, was your wife? A I had to claim it because it came out public.  
Q As a matter of fact your own wife was living at that time? A Yes, she was living.  
Q Did you draw any money for these two children, Charlotte and Henry? A Yes sir.  
Q In how many payments? A I drew in the \$29 and \$14.40. I did not get Charlotte on. I never did get the \$14.40 for the youngest girl.  
Q Did you get the \$29 for her? A Yes sir.  
Q This woman Charlotte, who was the mother of these children, was not a Creek citizen? A No sir, and she was never recognized here, and I do not think was ever on any of the rolls of the Creek Nation. She was what they called a doubtful citizen.  
Q Do you know as a matter of fact that she did not draw any money in the Creek Nation? A I never knew her to be recognized at all.  
Q Who put the names of these two children on the pay-roll; who was the officer that put them there? A Gabriel Jameson put down the girl. She is on the Arkansaw town, and the boy was put on the Canadian town by Henry Reed.  
Q You never belonged to Canadian town did you? A No sir.  
Q How did you happen to have one of the children put on the Arkansaw town and the other on the Canadian town? A I don't know; they did it themselves. I did not have any trouble in getting these children on the Canadian.  
Q How many other women were you living with at the same time? A That was all.

(By Mr. Bixby)

Henry and Charlotte being the illegitimate children of Charlotte, a non-citizen woman, are not entitled to enrollment as citizens of the Creek Nation.

Department of the Interior,  
Commission to the Five Civilized Tribes.

I hereby certify, upon my official oath as stenographer to above named Commission, that this transcript is a true, full and correct translation of my stenographic notes.

*Brown McAdams*

DEPARTMENT OF THE INTERIOR,  
COMMISSION TO THE FIVE CIVILIZED TRIBES,  
Okmulgee, Indian Territory, May 13, 1901.

In the matter of the application of Henry Cobrey for enrollment as a citizen of the Creek Nation.

Henry Cobrey being first duly sworn testified as follows:

Examination by Mr. Bixby:

- Q What is your name? A Henry Cobrey.  
Q How old are you? A They call me 18; I don't know.  
Q What is your postoffice address? A Lee, I. T.  
Q What town in the Creek Nation do you claim to belong to? A Canadian.  
Q What town does your father belong to? A I don't know.  
Q Did you ever hear of your father claiming to belong to any Indian town? A Sir?  
Q Is your father a Creek freedman? A Yes sir.  
Q Did you ever hear what town he belonged to? A No sir.  
Q Have you any sisters? A Yes sir.  
Q Did you have a sister by the name of Charlotte? A Yes sir.  
Q Is she living or dead? A Dead.  
Q When did she die? A About a month ago.  
Q What was your father's name? A Charley Cobrey.  
Q Is he living? A Yes sir.  
Q What was your mother's name? A Charlotte.  
Q Is she living? A No sir.  
Q Give me the names of your brothers and sisters? A Brother, Johnnie and Jimmie, and Mary, Charlotte, Rachael, Kate and Nellie.  
Q Have you got two sets of brothers and sisters? A Yes sir.  
Q Are these children you have given the names of all your full brothers and sisters? A No sir.  
Q Give me the names of your full brothers and sisters? A I haven't got any full brothers; I got one sister, Charlotte.  
Q How many children did your father have children by that you know of? A Two.  
Q Who is the mother of Morris Cobrey? A Rose.  
Q Who is the mother of Nellie? A Rose.  
Q Do Katie and Rachael have the same mother? A Yes.  
Q Was your father ever married that you know of? A Yes.  
Q What was the name of his lawful wife? A Rose.  
Q Did your father ever claim, so far as you know, to have been married to Charlotte? A Not as I know of.  
Q Have you ever drawn any money from the Creek nation? A Yes sir.  
Q Did you draw it yourself? A No.  
Q Is your name on the rolls of the Creek nation at present? A Yes.  
Q Under what name did you draw the \$29? A I think it was Millie Dial; I am not sure.  
Q Under what name did you draw the \$14.40? A I can't tell you exactly on that.  
Q Well, what do you think? A I could not have any idea; I seen my name on one of the rolls.  
Q What name did you see? A I can't remember now.  
Q You say you drew the \$29 you think under the name of Millie Dial? How do you spell Dial? A I don't know.  
Q Spell it the best you can? A I can't spell it.  
Q Did you ever hear of anyone else by the name of Millie Dial? A No.  
Q Do you know wellie Cobrey? A Yes sir.  
Q Who is she? A My sister.  
Q Do you know Katie? A Yes sir.  
Q Who is Katie? A My sister.

2-Henry Cobrey.

- Q Half sister or full sister? A Half sister.  
Q Do you know Morris? A Yes sir.  
Q Is he your full brother or half brother? A Half.  
Q Know Rachale? A Yes sir.  
Q Full sister or half? A Half.  
Q These are the children of Rose McGilbra? A Yes sir.  
Q Was she a Creek freedman? A Yes sir.  
Q Where are these children? A They are at home.  
Q Have they been enrolled by this Commission? A Yes sir.  
Q Have you a half brother named Henry? A No, I am Henry.  
Q Ain't there any other Henry? A No sir.  
Q What made you think you were enrolled in 1890 under the name of Miley Dial? A I don't know.  
Q Who was you living with ten or eleven years ago? A With Aunt Miley.  
Q Where was she living? A Living down on Cane Creek.  
Q You was a little boy then? A Yes sir.  
Q Did she draw the \$29 for you? A That is what she told me.  
Q Who was you living with in 1895, 5 or 6 years ago? A I was living with her.  
Q Did she draw the money for you in 1895? A She drewed all I drewed.  
Q Do you remember about the \$14.40? A I don't think I do.

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Henry CL Reed being first duly sworn testified as follows:

- Q What is your name? A Henry C. Reed.  
Q How old are you? A About 58 or 59.  
Q Are you a citizen of the Creek nation? A Yes sir.  
Q Do you hold any official position in the Creek government at this time? A I am representing the Creek nation before the Dawes Commission.  
Q Do you know Henry Cobrey? A Yes sir.  
Q How long have you known him? A All the days of his life, since he was born.  
Q Did you know his father and mother? A Yes sir.  
Q Do you know the children of Charlie Cobrey by his various wives-- by the several women that he lived with? A I know the children of two of his women.  
Q Do you know whether he has more than one child in his family named Henry? A Only one that I know of.  
Q Who was Henry living with in 1890? A With Miley Dial.  
Q Do you know her very well? A Yes sir.  
Q How old is she? A I can't tell her age, but I guess she would be about 90 or nearly 100; she is way up.  
Q Have you known her a great many years? A Yes, she is an aunt of mine.  
Q Did you see this boy at her house in 1890? A Yes sir.  
Q Did she draw the \$29 for Henry in 1890? A I don't think she did. I think it was one of her nephews by the name of Isaac Smith. that would have drawn the money.  
Q Do you know Miley spells her name? A Yes, Miley Doyle.  
Q Do you know whether or not Henry Cobrey, this applicant, drew the \$14.40 in 1895? A He was at that time, but he didn't draw the money.  
Q Who did? A It might be his father. His father had him in his family in 1895; he enrolled him in his family in 1895.  
Q Enrolled him with the children by Rose? A Yes.  
Q Do you know Nellie Cobrey? A Yes sir.  
Q How old is she? A I don't know particularly, but I guess she is twenty-odd.

3-Henry Cobrey.

- Q Didn't she draw the money with the family in 1895? A I hardly think so but she may. I know I was seen by the paymaster, and I don't hardly think Nellie drew it.
- Q You think old man Charley drew it? A Yes, if I didn't draw it.
- Q What did you do with the seventy-odd dollars that you drew?
- A That's what I say; they give me orders to draw money and pay it out and the merchants had their notes and it might have been me.
- Q Do you know how the name of Henry came to be on the roll of 1895? A Yes.
- Q Didn't you put it on yourself? A Yes, I might charge myself with it.
- Q Don't you know that it was not entitled to be on the roll in 1895? A I don't know, because his father was a citizen and I enrolled him and presented it to the council before the 18 Committee, and I stated how it was; that he was Charley Cobrey's son.
- Q Did this boy ever live with Charley Cobrey? A He must have lived with Charley a short while about the time of that payment; I don't know whether he did particularly live altogether with him.
- Q Did he live with him in 1890? A No, he lived with Miley.
- Q As a matter of fact did he ever live with Charley? A I am not positive whether he ever did.
- Q So far as you know he never did live with Charley? A No, not to my best knowledge.
- Q Do you know whether or not Charley ever recognized him as a son?
- A Yes, as far as that is concerned he did recognize him.
- Q Did Charley support this woman Charlotte? A I don't know a thing about that; she was a kind of concubine.
- Q He could not have recognized her as his wife could he? A No.
- Q At the time this child was born, Charley was living with Rose, wasn't he? A Yes sir.
- Q Where is Miley Dial now? A She died in April, 1900, last year.
- Q Miley never has testified before this Commission in this matter, has she? A No, because I filed for her; she enrolled in 1898.
- Q Is there anyone you know over there that has personal knowledge of the fact that this boy, Henry Cobrey, was enrolled with Miley Dial in 1890? A I can't say that anybody else knows it, but I can say that I know it.
- Q How do you know that? A Because I had the making up of the rolls.
- Q Why did you call him Henry Dial? You knew that was not his name, didn't you? A Why did I do it? It was part of his name and I didn't pay any more attention to it; just thought it was all right.
- Q As a matter of fact, you didn't know anything about it? A As a matter of fact I knew Henry was on the roll with Miley, and I was the only town officer, and the party who wrote the original roll, I suppose he put him down as Henry Dial.
- Q You don't know but what this Henry Dial, enrolled with Miley Dial, might be some other person? A I know this: I know that Henry Dial lived with Aunt Miley, and it couldn't have been nobody else but Henry, and this Henry that lived with her. No party lived with her by the name of Henry Dial; she lived close by me and as it was, I had every reason to know. I know I am positive of that.



4-Henry Cobrey.

Dave Lee being first duly sworn testified as follows:

Examination by Mr. Bixby:

- Q What is your name? A David Lee.  
Q How old are you? A 36 years.  
Q What is your postoffice address? A Lee, I. T.  
Q Are you a citizen of the Creek Nation? A Yes sir.  
Q Do you know Charley Cobrey? A Yes sir.  
Q How long have you known him? A About 20 years.  
Q Did you know Rose McGilbra? A Yes sir.  
Q She was married to Charley Cobray was she? A I don't know that; they was living together as man and wife.  
Q Did you know Charlotte, this boy's mother? A Yes, I have seen her a time or two.  
Q She wasnot a citizen of the Creek nation, was she? A Not as I know of.  
Q Did she ever live with Charley Cobrey as his wife? A Not as I know of.  
Q Do you know Henry Cobrey? A Yes sir.  
Q How long have you known him? A Been knowing him for 15 or 16 years.  
Q How old was he when you first knew him? A A small baby.  
Q Who was he living with? A His mother had him then.  
Q When did you next see him? A Twelve or fourteen years ago, after I returned from Kansas.  
Q Who was he with? A With aunt Miley Dial.  
Q How long did he live with her? A Up until 2 or 3 years ago; I think he moved to Prince Smiths, and then to Judge Reeds.  
Q Is he living now with Judge Reed? A Yes sir.  
Q Do you know anything about his enrollment in 1890? A No sir.  
Q Do you know anything about his enrollment in 1895? A No.  
Q Do you know whether or not Charlotte, his mother, ever lived with Charlie as his wife? A Don't know.  
Q Do you know whether she ever lived with anyone else? A No.  
Q Did you ever hear of her livin with anyone else? A No.  
Q Did she ever marry? A Not as I know of.

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John J. Jefferson being first duly sworn testified as follows:

Examination by Mr. Bixby:

- Q What is your name? A John J. Jefferson.  
Q How old are you? A About 37 years.  
Q What is your postoffice address? A Lee, I. T.  
Q Are you a citizen of the Creek nation? A Yes sir.  
Q Do you know Charley Cobrey? A Yes sir.  
Q How long have you known him? A Ever since I was about 10 years old.  
Q Do you know his wife Rose? A Yes sir.  
Q Do you know Charlotte the mother of this applicant? A Yes sir.  
Q How many years did you know her? A I knew her about five or six years before she died.  
Q Was she ever married? A Yes, to my recollection she was.  
Q Who to? A A I don't know the first man she married at all.  
Q How many times was she married? A I suppose she had been married twice because she has a brother; by that I took it for granted that she was married.  
Q When was she married to the first man? A I don't know; when she came to this country she came with a man.  
Q You didn't know his name? A I think his name was Walker.  
Q Was he a United States citizen? A Yes, to my knowledge.  
Q How long did she live with him? A I think he died here a year or so after they come here.



5-Henry Cobrey.

- Q About how many years ago? A It is a little more than 17 years to my recollection.
- Q Who was the next man that she was married to? A I was quite young but the next man I knew to my recollection to live with her was Charley Cobrey.
- Q How long did he live with her? A They staid together until she died.
- Q This is Charlott, isn't it? A Yes sir.
- Q Charley Cobrey had a lawful wife didn't he, named Rose? A I guess he did; all was lawful in Indian times if it was a citizen. I am not able to tell it at all; they was not restricted by the Government.
- Q Do you know anything about the marriage laws of the Creek nation?
- A I have some knowledge about it.
- Q When did they first pass a law relative to marriage? A It must have been somewhere along in the year 1880 the Creeks passed a resolution recognizing all persons who lived together as man and wife and after that period of time they should not be recognized save they be married by an official of the Creek nation.
- Q That law was passed before this boy was born? A I am not able to tell the date.
- Q Do you know Miley Dial? A Yes, I think I do.
- Q Do you know whether this boy ever lived with Miley Dial? A Yes, I believe he did in 90-some-odd.
- Q Do you know whether or not Miley Dial drew the \$29 for him in 1890? A Only from what she said; she said she drew it.
- Q You don't know about it personally? A No sir.
- Q Do you know who drew the money for him in 1895? The \$14.40.
- A No, I am not able to tell.
- Q Do you know the several acts of children Charley Cobrey claimed?
- A Yes sir.
- Q How many different lots of children did he claim? A Only two to my knowledge.
- Q Did you ever hear that he had any other children by any other woman? A No sir.

-----0-----  
Henry C. Reed Recalled.

- Q Did you ever hear of this woman Charlotte being married to a woman by the name of Walker? A I can't remember. It must be that she was. She went by the name of Walker, and the child she had when she came went by the name of Walker.
- Q What man did she come here with? A She come here with a man by the name of Walker.--it seemed to me so
- Q Did she ever live with any other men so far as you knew? A She lived with Charley Cobrey.
- Q Outside of Charley Cobrey and Walker? A No; she did live with Charley Cobrey, to my best knowledge.
- Q When did she die? A Let me see: She died, must have been 1884 or 1885, because it was reporting of the small pox; it was shortly after the small pox rage; I think that was the time she died?
- Q Charley Cobrey says he drew the \$29 and \$14.40 himself for this boy. He testified October 7, 1896.
- A It may be. I didn't say he didn't draw it, and I didn't say he drew it, but I said I didn't remember. It seems to me I drew it and paid it to some of the merchants.
- Q Did you say Miley Dial drew it in 1890? A No, I said it might have been drawn by Isaac Smith one of the nephews. I was not positive, and in 1895 I said that it might have been me that drew it.
- Q How does it happen that Charlotte was never on the rolls? A Chr

6-Henry Cobrey.

- A Charlotte was sold from the country here and come back too late to get on the rolls.
- A I mean this boy's sister? A I don't know how she didn't get on the rolls.
- Q Who was she living with in 1890, and 1895? A I think she was living with her father.
- Q Why didn't her father enroll her? A I don't know.
- Q Isn't it a fact Judge Reed, that Henry and Charlotte have never been considered citizens? A If it was they didn't raise any question against Henry.
- Q Why should they raise a question against Charlotte and not Henry?
- A I don't know; I am not prepared to say.
- Q Are they all the children of the same father and mother? A Yes, the same as I understood it, but I thought Charlotte was on the roll until I looked.. I didn't know she wasn't on the roll until I looked in Muskogee, and I was looking for myself.
- Q You didn't find the name either on the '90 or the '95 roll?
- A No, I don't remember; I remember seeing Henry and Charlott's name didn't appear; I thought they was both on it all the time.
- Q Did Charlotte ever go by the name of Wallace? A Yes, her mother's name was Wallace.
- Q That is, Charlotte, the mother of this boy? A The father was named Wallace.
- Q Her maiden name was Wallace? A Yes sir.

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Frances R. Brown having been first duly sworn upon oath states that as stenographer to the Commission to the Five Civilized Tribes she reported in full all proceedings had in the above entitled cause on the 13th day of May, 1901, and that the above and foregoing is a full, true and correct transcript of her stenographic notes of said proceedings on said date.

*Frances R. Brown*

Subscribed and sworn to before me this 17th day of May, 1901.

  
Acting Chairman.

DEPARTMENT OF THE INTERIOR,  
COMMISSIONER TO THE FIVE CIVILIZED TRIBES,  
Okmulgee, Indian Territory, May 21, 1901.

In the matter of the application of Henry Corbrey for enrollment as a citizen of the Creek Nation. Also, Charlotte Corbrey, his sister.

Charlie Corbrey being first duly sworn testified as follows:

Examination by Acting Chairman Dixby:

- Q What is your name? A Charlie Corbrey.  
Q How old are you? A I don't know; rough guess I ought to be about 48 or 49.  
Q Where do you live? A I live down here on the Creek about ten miles from here.  
Q In the Creek nation? A Yes sir.  
Q What is your postoffice address? A Lee.  
Q You are a citizen of the Creek nation? A Yes sir.  
Q Do you know Charlotte and Henry Corbrey? A Yes sir.  
Q Are they your children? A Yes sir.  
Q Who was their mother? A A woman by the name of Charlotte Wallace.  
Q Is she living now? A No sir.  
Q Were you married to her? A No sir.  
Q You had another wife while you was living with her? A Yes sir.  
Q Do you know whether these children are on the rolls of the Creek Nation anywhere? A They are bound to be somewhere. I put Charlotte down on the Arkansas roll, and I guess Reed put Henry down on the Arkansas because he was with his granny at that time.  
Q Do you know which roll Henry is on? A No--it must be the Canadian roll.  
Q Do you know whether Henry was ever adopted by the Creeks? A No, I don't know that; all I can tell you, he was on the Canadian roll, drawing with them.  
Q How did he get on? A It must be through his granny and the town king, I judge.  
Q Do you know which roll Charlotte was on? A She was right there on the Arkansas roll.  
Q Who put her on the roll? A I did; I had her put on.  
Q Was did you have put Charlotte's name on? A I judge it would be Mr. Rontie or some of them.  
Q Was Charlotte ever adopted by the Creeks--by the Creek council? A Not as I know of--no, never did.  
Q Did Henry ever live with Miley Dial? A Yes, she raised him. That is his granny.  
Q Was her name Dial or Doyle? A Some says Miley Dial and some says Miley Cooks; that's the two names I can tell you.  
Q Did you ever get any money for these children--the \$14.40?  
A I got \$14.40 for Charlotte, and then I paid that in--Owed Severs.  
Q Did you draw the \$14.40 for Henry too? A Yes, I did; I didn't draw the \$29 though.  
Q Why didn't you draw the \$29 for Henry? A Henry wasn't with me at that time.  
Q Who did draw it for him? A Granny.  
Q Did you draw the \$29 for Charlotte? A Yes sir.  
Q Was she with you? A Yes, I raised her.  
Q Was her name with your name on the rolls? A Yes, her name if anyone ought to be on the rolls; if it aint there it aint me.  
Tribal rolls of Arkansas colored town examined and for the year 1890, and the name of Henry Corbrey not found thereon; neither is the name of Charlotte Corbrey found thereon.  
Tribal rolls of Canadian Colored, for the year 1890,

2- Henry Cebrey.

examined and neither the name of Henry Cebrey nor Charlotte Cebrey is found thereon. There being in existence no authenticated roll of Canadian Colored town for the year 1895, the payroll for the year 1895 is examined and discloses the fact that No. 490 appears the name of Henry Cebrey in the family of the children of Charley Cebrey by Rose Cebrey- nee McGillbra (Rose McGillbra was in her lifetime a citizen of the Creek Nation by adoption, and belonged to Canadian Colored Town.

- Q You know you got the money do you? A Yes sir.  
Q Charlotte and Henry were full brother and sister? A Yes sir.  
Q What was the name of their mother? A Charlotte Wallace.  
Q She was a citizen of the United States wasn't she? A Yes sir.  
Q You never was married to her? A No sir.  
Q How many other men did she have living with her besides yourself?  
A I don't know of any other men but myself.  
Q You have stated I believe that Charlotte, the mother of Henry, was a citizen of the United States? A Yes sir.  
Q In the event that Henry should be found by the Creek authorities to be entitled to citizenship in the Creek Nation as a citizen by adoption, in what town should he be enrolled? A He ought to have been enrolled in Arkansas town with me.  
Q There was no possible reason why he should have been enrolled in Canadian Colored town? A No, I don't know; I gave him to the old lady.  
Q He can't be a member of the Canadian colored town? A He must be if they enrolled him there.  
Q Could he be a member, properly, of Canadian Colored town?  
A No sir.  
Q You don't claim that he is on the roll of 1890, do you? A I don't know whether he is or not.  
Authenticated tribal roll, Canadian Colored Town for the year 1890 examined and on page 62 the name of Henry Dial is found.  
Q Do you know Wiley Dial very well? A Yes, ever since I was a boy.  
Q Was she in a habit of taking care of children and bringing them up? A Yes, always raising children.  
Q How many did she raise? A Three that I know of.  
Q What were their names? A One was Julia Beaver, and Darkes, and one was Secky, and Henry, and Louis Smith.  
Q Were those children living with her before Henry did or afterwards? A They was older than Henry; she raised them before she got Henry.  
Q How many years ago did the other children leave Wiley? A I can't tell anything about that; some left during the war; Darkes did; they all got old enough to marry off.

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Frances R. Brown having been first duly sworn upon oath states that as stenographer to the Commission to the Five Civilized Tribes she reported in full all proceedings had in the above entitled cause on the 21st day of May, 1901, and that the above and foregoing is a full, true and correct transcript of her stenographic notes of said proceedings on said date.

— Frances R. Brown

Suscribed and sworn to before me this 22 day of May, 1901.

  
Acting Chairman.

## DEPARTMENT OF THE INTERIOR,

COMMISSION TO THE FIVE CIVILIZED TRIBES.

Copy-

In the matter of the death of Charlotte Corbrey  
(Here insert name of deceased.)  
 a citizen of the  Creek  Nation, who formerly resided at or near  
 Lee , Ind. Ter., and died on the  7  day of  April ,  
(Here insert name of post office.)  
 1901.

## AFFIDAVIT OF RELATIVE.

UNITED STATES OF AMERICA, )

INDIAN TERRITORY, )

 Northern 

District. )

I,  Charley Corbrey , on oath state that I am  49   
 years of age and a citizen, by  adoption , of the  Creek  Nation;  
 that my post office address is  Lee , Ind. Ter.; that I am  
(Here insert name of post office.)  
 father  of  Charlotte Corbrey ,  
(State relationship, as: the father; an uncle; a cousin, etc.) (Here insert name of deceased.)  
 who was a citizen, by  adoption , of the  Creek  Nation;  
 and that said  Charlotte Corbrey  died on the  7  day of  
 April ,  1901.   
(Here insert name of deceased.)

WITNESSES TO MARK:

(Must be Two Witnesses.)

Frances R. Brown   
 J. H. Gay

Charley   his   
 mark   Corbrey

Subscribed and sworn to before me this  21  day of May ,  1901. 

James Bixby   
 Acting   Notary Public.

## AFFIDAVIT OF ACQUAINTANCE.

UNITED STATES OF AMERICA, )

INDIAN TERRITORY, )

District. )

I,  Willie Rentie , on oath state that I am  26   
 years of age, and a citizen, by  adoption , of the  Creek  Nation;  
 that my post office address is  Baldhead , Ind. Ter.;  
(Here insert name of post office.)  
 that I was personally acquainted with  Charlotte Corbrey ,  
(Here insert name of deceased.)  
 who was a citizen, by  adoption , of the  Creek  Nation;  
 and that said  Charlotte Corbrey  died on the  7  day of  
 April ,  1901.   
(Here insert name of deceased.)

WITNESSES TO MARK

(Must be Two Witnesses.)

Willie Rentie

Subscribed and sworn to before me this  21  day of May ,  1901. 

James Bixby   
 Acting   Notary Public.



DEPARTMENT OF THE INTERIOR,  
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application of Charley Corbray for allotment of lands to his children Charlotte and Henry Corbray, and for their enrollment as citizens of the Creek Nation.

D E C I S I O N .

It appears from the record in this case that on October 7, 1899, Charley Corbray appeared before this Commission and made application for allotment of lands to his children, Charlotte and Henry Corbray, and for their enrollment as citizens of the Creek Nation. That additional testimony in support of the application for their enrollment was introduced May 13, 1901, and also on May 21st, 1901.

It also appears that the said children are illegitimate children of Charley Corbray, and that their mother, Charlotte, was not a recognized citizen of the Creek Nation, and that the name of the said child, Charlotte Corbray is not found upon any roll of the Creek Nation.

It further appears that the name of the said Henry Corbray is entered upon the 1895 pay roll of Canadian Colored town with the children of Charley Corbray by his wife Rose Corbray (Rose McGilbra) who, in her lifetime, was a recognized citizen of the Creek Nation and a member of Canadian Colored Town.

It is the opinion of the Commission that if the said Henry Corbray had been entitled to enrollment as a descendant of the said Charley Corbray, his name would have appeared upon the pay roll of Arkansas Colored Town, to which his father belonged, and that his name was entered upon the pay roll of Canadian Colored Town without authority of law, and contrary to the usages and customs of the Creek Nation; and that neither of said children, Charlotte Corbray or Henry Corbray have been duly and lawfully enrolled or admitted as citizens of the Creek Nation, and that the application for their enrollment as such should be denied, and it is so ordered.

Commission to the Five Civilized Tribes.

Dated at Okmulgee, Indian Territory,  
this 24th day of May, 1901.

  
Acting Chairman

  
Commissioner.

  
Commissioner.



C O P Y .

Muskogee, Indian Territory, January 15, 1902.

The Honorable,

The Secretary of the Interior.

Sir:

There is herewith transmitted the record of proceedings in the matter of the application of Charley Gerbray for the enrollment of his children, Charlotte and Henry Gerbray, as citizens of the Creek Nation, including the decision of the Commission, dated May 24th, 1901, denying said application.

Respectfully,

T. B. Needles.

Commissioner in Charge.

Through the Commissioner  
of Indian Affairs.

1 enclosure.  
Creek-20

C O P Y .

Muskogee, Indian Territory, January 18, 1902.

Charley Gerbray,

Lee, Indian Territory.

Dear Sir:

There is herewith enclosed a copy of the decision of the Commission to the Five Civilized Tribes in the matter of the application made by you for the enrollment of your two minor children, Charlotte and Henry Gerbray, as citizens of the Creek Nation.

The decision, with a copy of the proceedings had in the case, is this day transmitted to the Secretary of the Interior for his review and decision. The final decision of the Secretary will be made known to you as soon as the Commission is informed of the same.

Yours truly,

T. B. Needles.

Commissioner in Charge.

1 enclosure.  
C.C.  
Registered.

C O P Y .

Muskogee, Indian Territory, January 18, 1902.

A. P. McKelley, Esq.,

H. E. Reed, Esq.,

Attorneys for the Creek Nation,

Muskogee, Indian Territory.

Gentlemen:

There is herewith enclosed a copy of the decision of the Commission to the Five Civilized Tribes in the matter of the application of Charley Gerbray for the enrollment of his two minor children Charlotte and Henry Gerbray as citizens of the Creek Nation.

The decision, with a copy of the proceedings had in the case, is this day transmitted to the Secretary of the Interior for his review and decision. The final decision of the Secretary will be made known to you as soon as the Commission is informed of the same.

Yours truly,

T. B. Needles.

Commissioner in Charge.

1 enclosure.  
H&K A. R. (4)  
Registered.

COPY

W.C.P. \

DEPARTMENT OF THE INTERIOR,  
Office of Assistant Attorney-General,

1742-1902.  
Ind. Ter. Div.

WASHINGTON, June 28, 1902.

The Secretary of the Interior,

Sir:

You have submitted for my opinion the papers in the matter of Charley Corbray's application for the enrollment, as citizens of the Creek Nation, of his alleged illegitimate children Henry and Charlotte Corbray.

These parties are of African descent and are claiming rights under the provisions of law relating to the enrollment of Creek freedmen by the Commission to the Five Civilized Tribes. The act of June 28, 1898 (30 Stat., 495), contains a provision as follows:

The roll of Creek freedmen made by J. W. Dunn, under authority of the United States, prior to March fourteenth, eighteen hundred and sixty-seven, is hereby confirmed, and said commission is directed to enroll all persons now living whose names are found on said rolls, and all descendants born since the date of said roll to persons whose names are found thereon, with such other persons of African descent as may have been rightfully admitted by the lawful authorities of the Creek Nation.

The Commission reports that the father, Charley Corbray, has been identified as one whose name appears on the Dunn roll, thus confirmed, but holds that the provision of law quoted above does not apply to Henry and Charlotte "for the reason that these children, having been born out of wedlock, cannot be presumed to be the descendants of Charley Corbray."

The evidence shows that the mother, known as Charlotte, was not recognized as a Creek citizen; that she died when the children were quite young; that the illicit relations of Charles Corbray and this woman were notorious; that the children were known and regarded as Corbray's, and openly recognized as such by him; that on the mother's death the boy Henry was given to a woman known as Aunt Milly Deal to raise, and the girl was taken into the family of her alleged father and raised by him, and that the girl died in April, 1901, the application for her enrollment having been made in October, 1899. Commenting upon this phase of the matter and upon Corbray's statement that he was the father of these children, the Commission say:

His statement that he is the father of these children, unsupported by the mother, who is dead, under the conditions set forth in the testimony, certainly lacks positiveness. There can be no presumption as to who is the father of an illegitimate child.

Corbray's statement is positive and is supported by other testimony and the facts established thereby, so far as to destroy the applicability of the rule that there is no presumption as to who is the father of an illegitimate child. The evidence fully justifies the conclusion that Charles Corbray is the father of these two children.

There seems to be no express provision in the Creek law fixing the status of illegitimate children, yet it appears they were recognized as having inheritable capacity. The Commissioner of Indian Affairs invites attention to a provision

appearing on page 92 of McKellop's Digest of the laws of the Creek Nation as follows:

If any person claim to be the child of a deceased male person, and it should be proven that such person did not, during his life time, recognize the claimant as his offspring, then such claimant shall not be entitled to any share in the estate of the deceased.

The contrary of the conditions which would, under that law, debar these children from a share in Charley Corbray's estate, if he were dead, is affirmatively shown in this case.

These persons, Henry and Charlotte, being children of Charley Corbray, whose name is found upon the Dunn roll, clearly come within the description "descendants born since the date of said roll to persons whose names are found thereon," and are therefore entitled to enrollment.

The agreement with the Creek Indians, ratified by act of March 1, 1901 (31 Stat., 861), and afterwards ratified by the Creek National Council, contains a provision as follows:

All persons who were living on the first day of April, eighteen hundred and ninety-nine, entitled to be enrolled under section twenty-one of the Act of Congress approved June twenty-eighth, eighteen hundred and ninety-eight, entitled 'An Act for the protection of the people of the Indian Territory, and for other purposes,' shall be placed upon the rolls to be made by said commission under said Act of Congress, and if any such citizen has died since that time, or may hereafter die, before receiving his allotment of lands and distributive share of all the funds of the tribe, the lands and money to which he would be entitled, if living, shall descend to his heirs according to the laws of descent and distribution of the Creek Nation, and be allotted and distributed to them accordingly.



Charlotte Corbray's death in April, 1901, does not prevent the placing of her name upon the roll.

The papers submitted are herewith returned.

Very respectfully,

Willis Van Devanter.

Assistant Attorney-General.

Approved: June 28, 1902.

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Secretary.

COPY

DEPARTMENT OF THE INTERIOR.

I.F.D.1742)  
3698)-1902.  
4010)

WASHINGTON.

WHR.

July 1, 1902.

The Commission

to the Five Civilized Tribes,

Muskogee, Indian Territory.

Gentlemen:

Referring to your communication dated May 24, 1902, in the matter of the application of Charley Corbray for the enrollment of his two children, Charlotte and Henry Corbray, as citizens of the Creek Nation, wherein you acknowledge the receipt of departmental letter of March 22, 1902, requesting you "to give the Department information as to Charley Corbray's citizenship, and more explicitly set forth your reasons for rejecting the application," and report that "The Commission is therefore, of the opinion that its decision in this case, dated May 24, 1901, should stand, and that the application for the enrollment of these children should be denied," you are advised that under date of June 11, 1902, the Department addressed the Assistant Attorney General for the Interior Department requesting his opinion in the matter.

The Department is now in receipt of said opinion, a press copy of which is inclosed, in which it is held that "These persons, Henry and Charlotte, being children of Charley Corbray, whose name is found upon the Dunn roll, clearly come within the description 'descendants born since the date of said roll to per-

sons whose names are found therein, and are therefore entitled to enrollment."

The Department has approved said opinion and your decision rejecting said application is accordingly reversed.

Respectfully,

F. L. Campbell.

Acting Secretary.

ED.

1 inclosure.

Copy

Creek Enrollment  
Case No. 30.

Muskogee, Indian Territory, December 10, 1902.

Charley Corbray,

Lee, Indian Territory.

Dear Sir:

You are hereby advised that the Acting Secretary of the Interior, under date of July 1, 1902, reversed the decision of the Commission, dated May 24, 1901, denying the application made by you for the enrollment of your children, Charlotte and Henry Corbray, as citizens of the Creek Nation.

You are further notified, that in accordance with the decision of the Acting Secretary of the Interior, your said children, Charlotte and Henry Corbray, have been regularly enrolled as citizens of the Creek Nation.

Respectfully,

Acting Chairman.

Copy

Creek Enrollment  
Case No. 30.

Muskogee, Indian Territory, December 11, 1902.

Jesse Hill, Esq.,

Attorney for Charley Corbray et al.,

Muskogee, Indian Territory.

Dear Sir:

You are hereby advised that the Acting Secretary of the Interior, under date of July 1, 1902, reversed the decision of the Commission, dated May 24, 1901, denying the application made by Charley Corbray for the enrollment of his children, Charlotte and Henry Corbray, as citizens of the Creek Nation.

You are further advised that in accordance with the decision of the Acting Secretary, said Charlotte and Henry Corbray have been regularly enrolled as citizens of the Creek Nation.

Respectfully,

Acting Chairman.

COPY

Creek Enrollment  
Case No. 30.

Muskogee, Indian Territory, December 10, 1902.

A. P. McKellop, Esq.,

H. C. Reed, Esq.,

Attorneys for the Creek Nation.

Muskogee, Indian Territory.

Gentlemen:

You are hereby advised that the Acting Secretary of the Interior, under date of July 1, 1902, reversed the decision of the Commission, dated May 24, 1901, denying the application made by Charley Corbray for the enrollment of his children, Charlotte and Henry Corbray, as citizens of the Creek Nation.

You are further advised that in accordance with the decision of the Acting Secretary of the Interior, said Charlotte, and Henry Corbray, have been regularly enrolled as citizens of the Creek Nation.

Respectfully,

Acting Chairman.



Although the prisoner Alberty was not a native Indian, but a negro born in slavery, it is not disputed that he became a citizen of the Cherokee Nation under the 9<sup>th</sup> article of the treaty of 1866, by which the Cherokee Nation agreed to abolish slavery. \* \* \* \* \* While this article of the treaty gave him the rights of a native Cherokee, it did not, standing alone, make him an Indian within the meaning of U. S. Rev. Stat. § 2146, or absolve him from responsibility to the criminal laws of the United States, as was held in United States v. Rogers, 45 U. S. 411, 12 How. 567-573, and Westmordant v. United States, 155 U. S. 545.

"Duncan, the deceased, was the illegitimate child of a Choctaw Indian, by a colored woman,

who was not his wife, but a slave in the Cherokee Nation. As his mother was a negro slave, under the rule partus sequitur ventrem, he must be treated as a negro by birth, and not as a Choctaw Indian. There is an additional reason for this in the fact that he was an illegitimate child, and took the status of his mother. Williams v. Davis, 25 U.S. 12 Wheat. 568; Fowler v. Miller, 52 U.S. 11 How. 3-5. " Alberty vs. U.S. 162 U.S. 499.

On the other hand, - The offspring follows the condition of the mother.

"The issue is, we believe, universally considered as following the mother, unless they be separated from each other by the terms of the instrument which disposes of the mother."  
Williston v. Randall, 25 U.S. 12 Wheat, 568.

"It was next objected, that two or three children, born since the mortgage, should not be accounted for, x x x x but it seems to accord with principle that the increase or offspring should belong to the owner of the mother." 2 Bl Com., 404." Fowler v. Merrill 52 U.S. 11 How. 375

In *Ex parte Reynolds*, 5 Dill. ~~488~~ (1870) the Court discussing the decision in case of *U. S. vs. Sanders* says: "But by the common law this rule is reversed with regard to the offspring of free persons. Their offspring follow the condition of the father, and the rule partus sequitur patrem prevails in determining their status."

But the courts have subsequently held that the common law was never in force in the Indian country.

Dawson is before - May 15, 1893.

It is well known that the general customs and laws of the several nations in the Indian Territory relating to the domestic nations are substantially the same.

"The child must follow the condition of  
 of the mother. If the mother is an Indian  
 woman her offspring must be considered  
 Indians within the meaning of the proviso  
 (25<sup>th</sup> section of the Intercourse law of 1834\*) alluded  
 to, whether the father be a white man or Indian.  
 And so, on the other hand, the child of a white  
 woman by an Indian father, would, for all the  
 purposes of that act, be deemed of the white race;  
 the condition of the mother, and not the  
 quantum of Indian blood in the veins, determining  
 the condition of the offspring. x x x x x

There can be no doubt that the rule  
*partus sequitur ventrem* generally obtains  
 in this country. (U.S. vs. Anderson, Hempst. 483; Federal  
 Cases No. 16,220.)

\* which declares, that the laws of the U.S. for the punish-  
 ment of crimes in the Indian country, shall not extend to  
 crimes committed by one Indian against the person or  
 property of another Indian.)

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DEPARTMENT OF THE INTERIOR,  
COMMISSION TO THE FIVE CIVILIZED TRIBES,  
MUSKOGEE, INDIAN TERRITORY.

In the matter of the application of Samuel King for the enrollment of himself and two minor children, Walter and Ruth Ella King, as citizens of the Creek Nation.

It appears from the record that on May 14, 1901, a decision was prepared denying the application for the enrollment of Samuel King and his child, Walter King, under the provisions of section 21 of the act of Congress approved June 28, 1898, on the ground that they were nonresidents of the Indian Territory on said date.

Section 29 of the Creek agreement, ratified May 25, 1901, among other things, provides:

"Said commission shall have authority to enroll as Creek citizens \* \* \* \* \* such other recognized citizens found on the Creek rolls as might, by reason of nonresidence, be excluded from enrollment by section twenty-one of said Act of Congress approved June twenty-eighth, eighteen hundred and ninety-eight: Provided, That such nonresidents shall, in good faith, remove to the Creek Nation before said commission shall complete the rolls of the Creek citizens as aforesaid."

The testimony taken in support of the application herein on October 10, 1901, shows that the applicants, Samuel, Walter and Ruth Ella King, are clearly entitled to enrollment under the provision of law above quoted, and Samuel and Walter King are properly listed for enrollment on Creek Freedman Card, Field No. 95, and Ruth Ella King, on Creek Freedman Card, Field No. 1575.

It does not appear that the representatives of the Creek Nation have made any objection to the enrollment of the applicants herein and the transmission to the Department of the record in this case is therefore withheld in accordance with instructions of the Acting Secretary of the Interior, under date of February 1, 1902, as follows:

"Do not send records of evidence in Creek cases where you find the applicants are clearly entitled to enrollment and no objection is made by representatives of Creek Nation."

DEPARTMENT OF THE INTERIOR,  
COMMISSION TO THE FIVE CIVILIZED TRIBES.  
MUSKOGEE LAND OFFICE, OCT. 11, 1899.

=====X  
in the matter of the application ~~is~~ of :  
Samuel King, and son Walter, for enroll-:  
ment as citizens of the Creek Nation, :  
as Freedmen.....: :  
=====X

SAMUEL KING, being sworn by Acting Chairman Bixby, testified as follows:  
(Examined by Mr. Bixby)

- Q What is your name? A Samuel King. .  
Q How old are you? A 24; 25 pretty soon.  
Q Where do you reside? A Tuskegee.  
Q How did you become a citizen? A By my mother.  
Q What, I mean, was you adopted by council or admitted by the Dawes Commission or Colbert Commission or Citizenship Committee?  
A It must have been by the Dawes Commission, I reckon.  
Q Don't you know? A I think it was the Dawes Commission.  
Q When? A In 1896, I believe.  
Q Where were you living in 1896? A In 1896; what time in 1896? I was here in 1896, and was in Texas in 1896.  
Q Was in Texas and here too? A Yes sir.  
Q How long have you been living in Texas.  
A I didn't particularly live there; there and here; I was here more than there.  
Q Where were you born? A I was born in Texas.  
Q How many years out of the 25 ~~in~~ of your life have you lived in Texas? A I couldn't tell you.  
Q You can't tell? A No sir.  
Q How many years have you lived in the Creek Nation?  
A I couldn't exactly tell about it.  
Q Two years? A Yes sir, more than that.  
Q When did you last come to the Creek Nation? A About 3 weeks ago.  
Q Where did you come from? A San Antonio Texas.  
Q How long had you been in San Antonio, Texas? A About six months I guess.  
Q Where were you before that? A I was in Clayborn.  
Q How long was you in Clayborn? A As near as I can get at it, about 4 or 5 months.  
Q Where did you live before that? A I lived at Muskogee.  
Q How long did you live in Muskogee? A I lived there lots of times.  
Q How long this last time? A something over a year.  
Q Where did you ever have a home in the Creek Nation.  
A I had a home and lived with my people.  
Q Who are your people? A Emily King.  
Q Are you married? A yes sir.  
Q Where did you marry? A In Clayborn.  
Q Have you any children? A Two.  
Q Where were they born? A They were born, one of them in San Antonio and the other in Clayborn.  
Q Did you ever vote in San Antonio? A No sir, I voted there in the city election.  
Q You voted in the city election? A It was last spring I believe.  
Q Did you ever vote in Clayborn? A yes sir, I voted in Clayborn.  
Q How many times? A I never did vote; I wouldn't be positive whether I voted in Clayborn or not; I won't be positive that I did.  
Q Did you ever own a farm in the Creek Nation? A I ~~real~~ worked with my people on the farm.

Q I asked you if you ever owned a farm? A Not of my own.  
Q Did you ever own a house? A No sir.  
Q Did you ever have any place in the Creek nation?  
A I worked with my people all the time.  
Q You are a married man and the head of a family?  
A I stayed with them all the time.

(Mr. Bixby)

The application of Samuel King for the enrollment of himself and his son, Walter is denied for the reason that in the opinion of the Commission, neither of said applicants have removed to or settled in good faith in the Nation in which he claims citizenship, prior to the 20th of June, 1890.

### Department of the Interior,

Commission to the Five Civilized Tribes.

I hereby certify, upon my official oath as stenographer to above named Commission, that this transcript is a true, full and correct translation of my stenographic notes.

E. H. Austin

DEPARTMENT OF THE INTERIOR  
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application of Samuel King for the enrollment of himself and his son, Walter King, as citizens of the Creek Nation.

D E C I S I O N .

It appears from the record in this case that on October 11, 1899, Samuel King appeared before this Commission at Muskogee, Indian Territory and made application for the enrollment of himself and his son, Walter King as citizens of the Creek Nation.

It also appears that the said Samuel King was admitted to citizenship in the Creek Nation by this Commission in 1896 in accordance with the provisions of the act of Congress approved June 10, 1896 ( 29 Stats. 321) but that his son was not so admitted and has never been recognized as a citizen of the Creek Nation by the tribal authorities thereof, nor duly and lawfully enrolled or admitted as such.

It further appears that on June 28, 1898, said Samuel King and his son, Walter King, were residents of the state of Texas and that they removed to and settled in the Creek Nation in September, 1899.

The act of Congress of June 28, 1898, ( 30 Stats. 495) provides:

"No person shall be enrolled who has not heretofore removed to and in good faith settled in the nation in which he claims citizenship: Provided, however, That nothing contained in this act shall be so construed as to militate against any rights or privileges which the Mississippi Choctaws may have under the laws of or the treaties with the United States."

It is therefore the opinion of this Commission that in accordance with the provisions of the law above quoted the application of the said Samuel King for the enrollment of himself and his minor child, Walter King, as citizens of the Creek Nation should be denied and it is so ordered.

The Commission to the Five Civilized Tribes.



Acting Chairman.

Dated at Okmulgee, Indian Territory,  
this the 14th day of May, 1901.

DEPARTMENT OF THE INTERIOR.  
Commission to the Five Civilized Tribes.  
Muskogee, Indian Territory, October 10, 1901.

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In the matter of the application of Samuel King for enrollment of himself and minor children, Walter King and Ruth Ella King, as citizens of the Creek Nation.

Appearance for applicant: DeGraffenried & Scruggs.

Samuel King being duly sworn testified as follows:

By the Commission:

- Q What is your name? A Samuel King.
- Q As citizens of what nation are you now making application for the enrollment of yourself and minor children? A Creek Nation.
- Q What is your age? A Forty-six.
- Q What is your post-office address? A Mounds, I. T.
- Q What are the names and ages of your minor children for whom you are now making application for enrollment? A Walter was born in April, 1897, and Ruth Ella was born in May 1899.
- Q Have you ever been recognized by the Creek tribal authorities as a citizen of the Creek Nation? A No, sir.
- Q Have you ever been enrolled by the Creek tribal authorities as a citizen of the Creek Nation? A No, sir.
- Q How did you become a citizen? A By the Dawes Commission.

"The records of the Commission show that Samuel King was admitted to citizenship by the Dawes Commission in 1896, and no appeal was taken from said decision.

The records of the Commission also show that the names of Samuel King, age 25, and Walter King, age 1, appear on Creek Freedmen card, field number 96, but that said parties were denied enrollment for the reason that they had not returned to and in good faith taken up their residence in the Creek Nation, as provided by act of June 22, 1898.

- Q Where do you live? A I am living five miles from Mounds.
- Q How long have you lived there? A I have only been there a short time.
- Q How long? A. About two weeks.
- Q Where did you live prior to that time? A I lived in Muskogee.
- Q How long did you live in Muskogee. A I lived here north of town for one year.
- Q Where did you live before that? A. I lived in Texas.
- Q Do you live in the Creek Nation at the present time? A Yes, sir.
- Q Are your minor children, for whom you are now making application, living? A. One of them is. Walter is dead. He died on the 7th of February, 1900.
- Q Where was he living when he died? A San Antonio, Texas.
- Q Had he ever lived in the Creek Nation? A No, sir.
- Q Is Ruth Ella King living? A yes, sir.
- Q Is she living with you? A Yes, sir.
- Q Who is the mother? A Beatrice King.
- Q Is she a citizen of the Creek Nation? A No, sir.
- Q Is she a citizen of the United States? A Yes, sir.
- Q To what town do you belong? A Canadian.
- Q What is your father's name? A Sam King.
- Q Is he living? A Yes, sir.
- Q Is he a citizen of the Creek Nation? A No, sir.

DEPARTMENT OF THE INTERIOR.  
COMMISSION TO THE FIVE CIVILIZED TRIBES.  
Muskegee, Indian Territory, October 18, 1901.

In the matter of the application of Samuel King for the enrollment of his minor child, Walter King, as a citizen of the Creek Nation.

Samuel King being duly sworn testified as follows:

By the Commission:

- Q As a citizen of what nation are you now making application for the enrollment of your minor child? A Creek Nation.
- Q What is your name? A Samuel King.
- Q What is your age? A Twenty-seven.
- Q What is your post-office address? A Mounds.
- Q What is the name and age of your minor child for whom you now make application for enrollment. A He will be five years old this coming April. His name is Walter King.
- Q Is he living? A No, sir.
- Q When did he die? A He died in February, 1900.
- Q Where did he die? A In San Antonio, Texas.
- Q Where was he born? A San Antonio.
- Q How long did he live there? A He lived there until he died.
- Q Did he live anywhere else but San Antonio? A No, sir.
- Q Have you been listed for enrollment by the Commission to the Five Civilized Tribes? A Yes, sir.

"The records of the Commission show that Samuel King is listed for enrollment on Freedman card, field number 95."

- Q How did you become a citizen of the Creek Nation? A I was admitted by the Dawes Commission.
- Q Do you know whether this child was born before or after you were admitted to citizenship in 1896? A He was born after.

"The records of the Commission show that Walter King was denied enrollment by the Commission on October 10, 1899, for the reason that he had not returned to and in good faith taken up his residence in the Creek Nation, as provided by Act of June 28, 1898."

- Q Who is the mother of Walter King? A Beatrice King.
- Q Is she a citizen of the Creek Nation? A No, sir.
- Q Is she a citizen of the United States? A Yes, sir.

You will be furnished at a later date with a copy of the decision of the Commission with reference to the application you make at this time for the enrollment of your minor child, Walter King, as a citizen of the Creek Nation, which will be mailed to you at the post-office address given in your testimony.

I, R. B. Eisenberg, being duly sworn state, as stenographer to the Commission to the Five Civilized Tribes, that the above and foregoing is a true and correct transcript of my stenographic notes of the testimony taken in the above named cause.

Subscribed and sworn to before me  
at Muskegee, I. T. this 24th  
day of October, 1901.

*R. B. Eisenberg*  
Acting Stenographer.



Q Is he a citizen of any other nation? A No, sir.  
Q What is the name of your mother? A Emily King.  
Q Is she a citizen of the Creek Nation? A Yes, sir.  
Q To what town does she belong? A Canadian.

You will be furnished at a later date with a copy of the decision of the Commission with reference to your application, made at this time, for the enrollment of yourself and minor children as citizens of the Creek Nation, which will be mailed to you at your present post office address.

R. B. Eisenberg, being duly sworn, states, as stenographer to the Commission to the Five Civilized Tribes, that the above and foregoing is a true and correct copy of his stenographic notes of the testimony taken in the above mentioned cause.

Subscribed and sworn to before me  
at Muskogee, Indian Territory,  
this 11th day of October 1901.

*R. B. Eisenberg*

  
Acting Chairman.

IN RE

Application for Enrollment of

INFANT CHILD

Ruth Ella King

as a citizen of

Greek Nation.

Approved,

Aug 29 1908

ACTING CHAIRMAN

Commissioner

This was found  
Filed with Freedman  
Card # 95

84955

DEPARTMENT OF THE INTERIOR,  
COMMISSION TO THE FIVE CIVILIZED TRIBES.

IN RE Application for Enrollment, as a citizen of the Creek Nation,  
of Ruth Ella King, born on the 28 day of May, 1899  
(Here insert name of child.)  
Name of Father: Sam King, a citizen of the Creek Nation.  
Name of Mother: Beatrice King, a citizen of the U. States Nation.  
Post-office, \_\_\_\_\_

## AFFIDAVIT OF MOTHER.

UNITED STATES OF AMERICA,

INDIAN TERRITORY.

Beno County Texas District.

I, Beatrice King, on oath state that I am 22  
years of age and a citizen, by birth, of the Creek Nation;  
having been born in Sam Austin, Texas,  
that I am the lawful wife of Sam King, who is a citizen, by  
birth, of the Creek Nation, that a female child was  
(male or female.)  
born to me on the 28 day of May, 1899; that said child has been  
named Ruth Ella King, and is now living.

WITNESSES TO MARK

(Must be Two  
Witnesses)

Beatrice King  
{ Geo. W. Humphreys  
W. S. Oskey

Subscribed and sworn to before me this 4 day of September, 1901.

Geo. W. Humphreys

NOTARY PUBLIC.

## AFFIDAVIT OF ATTENDING PHYSICIAN, OR MIDWIFE.

UNITED STATES OF AMERICA,

State of Texas INDIAN TERRITORY.Beno County District.

I, A. J. McDaniels, a Physician, on oath state that I  
attended on Mrs. King, wife of Sam King,  
on the 28 day of May, 1899; that there was born to her on  
said date a girl child; that said child is now living and is said to have been  
(male or female.)  
named Ruth Ella King.

WITNESSES TO MARK

(Must be Two  
Witnesses)

A. J. McDaniels  
{ L. E. Phillips  
Mr L. Hampton

Subscribed and sworn to before me this 29 day of August, 1901.

Geo. W. Humphreys

NOTARY PUBLIC.

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DEPARTMENT OF THE INTERIOR,  
COMMISSION TO THE FIVE CIVILIZED TRIBES.  
MUSKOGEE LAND OFFICE, OCT. 16, 1899.

-----X  
In the matter of the application of Ja- :  
cob Bittle, for the enrollment of his :  
his niece, Muskogee Bittle, as a citi- :  
zen of the Creek Nation.....: :  
-----X

JOSEPH MINGO, being sworn and examined, testified as follows:  
(By Mr. Hopkins) (Through interpreter Sam Checotah)

- Q What is your name? A Joseph Mingo.  
Q About how old are you, Mr. Mingo? A About 48.  
Q Are you a citizen of the Creek Nation? A Yes sir.  
Q Do you hold any office in the Creek Nation? A Yes sir.  
Q What is it; you are town king of Broken Arrow Town? A Yes sir.  
Q Do you know Muskogee Bittle? A I know the name; that is all I know.  
Q You don't know the child? A No sir, it lived away for some place.  
I know its father, George Bittle; that is all I know.  
Q Did you ever hear George Bittle in his life time speak of this child or  
claim this child as his own? A Yes, he has got one girl; his daugh-  
ter named Muskogee; that's what he told me, and I took the names.  
Q You took the names and you were taking the census of the towns at  
that time? A Yes sir.  
Q Do you know who Muskogee's mother was? A No sir, she a white  
woman he told me.  
Q Do you know whether or not she was George Bittle's lawful wife? A  
A I never asked him.  
Q Is George King a member of Broken Arrow town? A No.  
Q George Bittle? A No sir.  
Q What town does George Bittle belong to? A Broken Arrow; I am king  
of Broken Arrow.  
Q Do you know how it happened that the name of this child, Muskogee  
Bittle does not appear on the \$29 payment?  
A I don't know who drew the money; I know about that, but don't know  
how it happened it is not on the roll; that's one thing.  
Q Do you know how it happens that her name is not on the 1895 pay roll?  
A No, I don't know.  
Q Do you know whether or not she got the \$14 paid out in 1895 and 1896?  
A They paid; I don't know how it came he drew the money, though,  
George Bittle.  
Q Are you certain George Bittle drew the \$14.40 for this child?  
or only the \$29?  
A Only the \$29; the \$14, I couldn't recollect.  
Q That was the last payment? A Yes sir.  
Q You don't recollect that? A No sir, so many people there, I couldn't  
recollect the whole thing; I know the \$29 he drew that himself,  
George did.  
Q George Bittle was always recognized as a citizen of the Creek Nation?  
A Yes sir, but adopted; he is an adopted citizen.  
Q He is not a Creek by blood? A He said he proved by blood; recognized.  
Q Did you know George Bittle, father and mother? A Yes sir, I  
knew both of them.  
Q Were they both Creeks? A The father is a white man; the mother is a  
Creek; that's what he claim.  
Q Do you know whether or not George Bittle's citizenship was ever ques-  
tioned? A Never heard it before.  
Q But you can't explain why it was they were left off the roll?  
A No, I couldn't explain that.

Muskogee Bittle #2.

Q But you can't explain why it was they were left off the roll?

A No, I couldn't explain that; I couldn't recollect that.

Q You don't know who the mother of Muskogee Bittle is? A No sir.

Q Did you ever see her? A No sir.

Q Were you ever at George Bittle's house while he was living with that woman? A I don't know.

W. H. GENTRY, being sworn and examined testified as follows:  
(By Mr. Hopkins)

Q About how old are you, Mr. Gentry? A 57.

Q Are you a citizen of the Creek Nation? A Yes sir.

Q Do you hold any official position at the present time? A I am a member of Council.

Q For what town? A Broken Arrow.

Q Did you know George Bittle? A Yes sir.

Q Was he a member of that town? A Yes sir.

Q Was he always recognized as a Creek citizen? A Yes sir, ever since about 67.

Q Do you know this child, Muskogee Bittle? A No sir.

Q Never have seen the child? A No sir.

Q Did you know the child's mother? A No sir.

Q Do you know who the child's mother was? A No sir.

Q Did you know how it happens that the name of Muskogee Bittle does not appear on the 1890 roll? A No sir.

Q Do you know anything about how it happens the name doesn't appear on the 1895 roll? A No sir, I don't know the girl.

Q You don't know, as a matter of fact, this Muskogee Bittle is a citizen of the Creek Nation do you? A No sir, I don't know the girl; I knowed George Bittle and knew the Bittle when he first came to the country down near North Fork; they came in there from Missouri and established their rights as I understand it and moved back on the Arkansas, after they lived down there several years, and I don't know anything about them, for the children grew up; I knew Jake, George and the whole family; was kind of neighbor to them.

Q But you don't know anything about this child Muskogee, and whether she is a legitimate child of George Bittles or not.

A No sir, only heard he had a family and was married; I don't know anything about the family.

Q And if he has a child by the name of Muskogee Bittle, you don't know why the name was omitted from the roll? A No sir.

Q Is there anything else with reference to it you want to state?

A No sir, I don't know as there is; I know never heard their rights disputed; the Bittles, but I don't know anything about the family though; the younger ones, I don't know anything about them; I know the older ones of the family.

JACOB BITTLE, being sworn and examined, testified as follows:

Q About how old are you, Mr. Bittle? A 39 years old.

Q Are you a citizen of the Muskogee Nation? A Yes sir.

Q How long have you lived in the Creek Nation? A Been living in the nation ever since 67.

Q What relation are you to the child Muskogee Bittle? A Uncle.

Q You are a brother of George Bittle? A Yes sir.

Q Who was Muskogee Bittle's mother? A Her name was Martha Weeks.

Q When was George Bittle married to her? A I disremember what time; they had been living together about 9 years before she died.

Q When did she die? A Been dead about six years.

Q Whereabouts were they married? A At Wewaka.

Q By whom? A By preacher Bemore.

Q Is he living? A No sir.

Q Were you present at the marriage? A Yes sir.

Q I believe you say they had lived together for 9 years?

A As near as I remember.

Q



Q They lived together after they were married up until the death of Mrs. Bittle? A Yes sir.  
 Q How many children did they have? A They had four.  
 Q Are they all living? A No sir, there is not but one living.  
 Q Muskogee? A Yes sir.

S. C. ROCKWOOD, being sworn and examined, testified as follows:  
 (By Mr. Hopkins)

Q How old are you? A I am 55 years old.  
 Q Are you a citizen of the Creek Nation? A No sir.  
 Q A citizen of the United States? A Yes sir.  
 Q Where do you reside? A On Duck Creek, near Sapulpa.  
 Q Do you know Muskogee Bittle? A I have seen her.  
 Q About how old would you judge she is at the present time?  
 A I would think she is 12 or 13 years old; I couldn't say; I never saw her.  
 Q Did you know her parents? A I knowed George, yes sir.  
 Q That was her father? A Yes sir.  
 Q Did you know who her mother was? A No sir, I didn't; I was acquainted with him about 3 or 4 years before he died.  
 Q Were you ever at his house? A Yes sir.  
 Q Did you ever see this child there?  
 A I don't remember wheter I seen her at his house or not.  
 Q You don't know anything about this particular woman, Muskogee's mother?  
 A No sir.

STANFORD BERRYHILL, being sworn and examined testified as follows:  
 (By Mr. Hopkins)

Q How old are you? A 43 years old.  
 Q Are you a citizen of the Muskogee Nation? A Yes sir.  
 Q How long have you been residing in the Muskogee Nation? A 12 or 14 years.  
 Q Did you know Muskogee Bittle? A Yes, I knew her.  
 Q Did you know Muskogee Bittle? A Yes sir.  
 Q Did you know her father? A I knew her father.  
 Q What was his name? A His name was George.  
 Q Did you know her mother? A I have seen her mother; her name was Meeks.  
 Q What did they call her? A I believe they call her Mattie; I never was in the house but once or twice.  
 Q Did you see this child there? A Yes sir.  
 Q This was during the life time of George Bittle and his wife, the mother of this child? A Yes sir.  
 Q You were not present at their marriage? A No sir.  
 Q How long did you know them as having lived together as man and wife?  
 A I reckon it must have been some two or three years; that I was acquainted with them from the first until the last.  
 Q Do you remember the time that Mrs. Bittle died?  
 A She died on Deep Fork, and George was working at Deep Fork in a blacksmith shop and passed my house going out to see and said he expected his woman was dead, and the next thing I knowed they were dead.  
 Q They had been living together at the time of death?  
 A I think they had been there about a month.  
 Q There had been no separation? A Not that I know of.  
 Q Have you seen the child since you saw her at the house of her parents?  
 A Yes sir, she stayed at my house and went to school.  
 Q When was that? A You will have to give me time to study that up.  
 Q I have reference as to whether before or after the mother's death.  
 A After the mother's death.  
 Q Was George living then? A Yes sir.

Muskogee pittle #4.

- Q Had you adopted the child, or under what arrangements was the child living with you? A George just brought her up there to go to school.
- Q Where did you live? A At Mounds.
- Q What school? A It was the Twin Mounds school; Nation school.
- Q After the child left you, who did she live with? A She lived with my father; just after George died; he took her from school; she was at home when he died; after George died brought her back to my house; and after that, my father took her and kept her until he died.
- Q Then what became of the child? A Let me figure a little; she has been whipped around until it is like proving up quail tracks to keep account of her. She stayed there until my father died and my mother kept her until last winter; then she stayed at an old gentleman named Malcolm, and went to school last winter, and when school was out Bittle took her to Thomas Morton, and she stayed a while and she left there and stayed with my mother and brother Columbus Berryhill and is now at the Mission across the river; that is as near as I can tell to you.
- Q Do you know anybody else that the child lived with?
- A Before George died, she was with an old lady named O'Neal; she lived with them a while, and then when George married this second woman, she lived with them. Of course at his death---
- Q What school is it she is in now? A I don't know whether I can tell you or not; it is across the river; I don't know the name of the school; I might not, know and might know. I don't know whether it is Tallahassee or not; it is across the river; I never seen her in school.
- Q Who has provided for this child since George Bittle's death outside of these people you have mentioned as having lived with and cared for her; who has provided for her clothing? A My father provided for her clothing ~~known~~ as long as he lived; that has been my understanding.
- Q Who has provided for her in the last year or two?
- A I reckon Mr. Bittle has. I think he paid Mr. Malcolm her board for what he got from her.
- Q Can you account in any way for her name having been left off the rolls of the Nation? A No sir, I don't know a thing about that; that's out of my line of business to look for them; I have enough to keep my own there.

Department of the Interior

Commissioner of the Bureau of Indian Affairs

W. K. Austin

DEPARTMENT OF THE INTERIOR  
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application of Jacob Bittle for the enrollment of his niece, Muskogee Bittle, as a citizen of the Creek Nation.

D E C I S I O N .

It appears that on October 16, 1899 application was made to this Commission at Muskogee, Indian Territory, for the enrollment of Muskogee Bittle aged 12 or 13 years as a citizen of the Creek Nation.

It also appears that the parents of said Muskogee Bittle, were George Bittle, deceased, a recognized citizen of the Creek Nation and his wife Martha Bittle, nee Weeks.

It further appears that said Muskogee Bittle was recognized as a citizen of the Creek Nation by the tribal authorities thereof and that her name is found upon the 1891 Omitted Pay Roll and upon the authenticated Creek roll dated December 4, 1895 and known as the 1895 Omitted Roll under the name of Essie Biddle, following the name of her father George Biddle.

It is therefore the opinion of this Commission that said Muskogee Bittle should be enrolled as a citizen of the Creek Nation in accordance with the provisions of the act of Congress approved June 28, 1898 ( 30 Stats. 495) and it is so ordered.

The Commission to the Five Civilized Tribes.

Dated at Okmulgee, Indian Territory,  
this the 17th day of May, 1901.

Acting Chairman.

Commission.

Commission.

Muskogee, Indian Territory, January 15, 1902.

The Honorable,

The Secretary of the Interior.

Sir:

There is herewith transmitted the record of proceedings in the matter of the application of Jacob Bittle for the enrollment of his niece, Muskogee Bittle, as a citizen of the Creek Nation, including the decision of the Commission, dated May 17, 1901, enrolling said applicant as a citizen of said nation.

Respectfully,

Commissioner in charge.

Through the Commissioner  
of Indian Affairs.

1 enclosure.  
Creek-32.

C O P Y .

Muskogee, Indian Territory, January 23, 1902.

Jacob Bittle,

Mounds, Indian Territory.

Dear Sir:

There is herewith enclosed a copy of the decision of the Commission to the Five Civilized Tribes in the matter of the application made by you for the enrollment of your niece, Muskogee Bittle, as a citizen of the Creek Nation.

The decision, with a copy of the proceedings had in the case, is this day transmitted to the secretary of the Interior for his review and decision. The final decision of the Secretary will be made known to you as soon as the Commission is informed of the same.

Yours truly,

T. B. Needles.

Commissioner in Charge.

1 enclosure.  
J.B.  
Registered.

Muskogee, Indian Territory, January 25, 1902.

A. P. McKellop, Esq.,

H. E. Reed, Esq.,

Attorneys for Creek Nation,

Muskogee, Indian Territory.

Gentlemen:

There is herewith enclosed a copy of the decision of the Commission to the Five Civilized Tribes in the matter of the application of Jacob Bittle for the enrollment of his niece, Muskogee Bittle, as a citizen of the Creek Nation.

The decision, with a copy of the proceedings in the case, is this day transmitted to the secretary of the Interior for his review and decision. The final decision of the Secretary will be made known to you as soon as the Commission is informed of the same.

Yours truly,

Commissioner in Charge.

1 enclosure.  
McK & R. (7)  
Registered.



(COPY)

Refer in reply to the following:

Land  
3834-1902.

Department of the Interior,  
Office of Indian Affairs,  
Washington, January 24, 1902.

The Honorable

The Secretary of the Interior.

Sir:

I have the honor to transmit herewith a report made January 15, 1902, by the Commission to the Five Civilized Tribes, forwarding the record of proceedings in the matter of the application of Jacob Bittle for the enrollment of his niece, Muskogee Bittle as a citizen of the Creek Nation.

The Commission found that the parents of Muskogee Bittle were George Bittle, deceased, a recognized citizen of the Creek Nation, and his wife Martha Bittle; that Muskogee Bittle was recognized as a citizen of the Creek Nation by the tribal authorities thereof; that his name was found on the 1891 Omitted Pay Roll, and upon the authenticated Creek Roll dated December 4, 1895 and also on the 1895 Omitted Roll under the name of Essie Biddle.

It is therefore the opinion of the Commission that Muskogee Bittle should be enrolled as a citizen of the Creek Nation, and the office respectfully recommends that the Commission be advised that its opinion is concurred in.

Very respectfully,  
Your obedient servant,  
W. A. Jones,  
Commissioner.

WCV

D

Inclosures.

D.O.No. 1568-1902.

(COPY)

F.

6530.

L.R.S.

Department of the Interior.  
Washington.

I.T.D. 518-1902.

January 28, 1902.

Commission to the Five Civilized Tribes,  
Muskogee, I. T.

Gentlemen:

January 24, 1902, the Commissioner of Indian Affairs transmitted the papers in the matter of the application of Jacob Bittle for enrollment of his niece, Muskogee Bittle, as a citizen of the Creek Nation, and stated that he concurs in your opinion that Muskogee Bittle should be enrolled.

You state in your decision of May 17, 1901, that the father of Muskogee Bittle was a recognized citizen of the Creek Nation; that Muskogee Bittle was recognized as a citizen by the tribal authorities, and that her name is upon the "1891 Omitted Pay Roll and upon the authenticated Creek roll dated December 4, 1895, and known as the 1895 Omitted Roll under the name of Essie Biddle, following the name of her father George Biddle." You also state that it is your opinion that she should be enrolled as a Creek citizen in accordance with the act of June 28, 1898 (30 Stat., 495).

The Department affirms your decision, and you will act accordingly. A copy of the Commissioner's letter is herewith inclosed.  
1 inclosure.

Respectfully,

Thos. Ryan, Acting Secretary  
EMD.

COMMISSIONERS  
HENRY L. DAWES.  
TAMS BIXBY.  
THOMAS B. NEEDLES.  
C. R. BRECKINRIDGE.

ALLISON L. AYLESWORTH.  
SECRETARY

DEPARTMENT OF THE INTERIOR.  
COMMISSION TO THE FIVE CIVILIZED TRIBES.

(COPY)

ADDRESS ONLY IN THE  
COMMISSION TO THE FIVE CIVILIZED TRIBES

Muskogee, Indian Territory, February 5, 1902.

Jacob Bittle,

Mounds, Indian Territory.

Dear Sir:

You are hereby advised that the Secretary of the Interior, under date of January 28, 1902, affirmed the decision of the Commission, dated May 17, 1901, enrolling your niece, Muskogee Bittle, as a citizen of the Creek Nation.

Yours truly,

Tams Bixby

Acting Chairman.

COMMISSIONERS  
HENRY L. DAWES.  
TAMS BIXBY.  
THOMAS B. NEEDLES.  
C. R. BRECKINRIDGE.

ALLISON L. AYLESWORTH.  
SECRETARY

DEPARTMENT OF THE INTERIOR,  
COMMISSION TO THE FIVE CIVILIZED TRIBES.

(COPY)

ADDRESS ONLY THE  
COMMISSION TO THE FIVE CIVILIZED TRIBES

Muskogee, Indian Territory, February 5, 1902.

A. P. McKellop, Esq.,

H. C. Reed, Esq.,

Attorneys for Creek Nation,

Muskogee, Indian Territory.

Gentlemen:

You are hereby advised that the Secretary of the Interior, under date of January 28, 1902, affirmed the decision of the Commission, dated May 17, 1901, enrolling Muskogee Bittle, niece of Jacob Bittle, as a citizen of the Creek Nation.

Yours truly,

Tams Bixby  
Acting Chairman.

Muskogee Bittle, 12 yr old daughter  
of George Bittle deceased and Martha Bittle  
nee White, Non citizen.

George Bittle on 1890 roll, Broken Arrow.

Muskogee " 1891 omitted roll No 410.

DEPARTMENT OF THE INTERIOR.  
COMMISSION TO THE FIVE CIVILIZED TRIBES.

MUSCOGEE, I. T. DEC 4<sup>th</sup>, 1899.

IN THE MATTER OF THE APPLICATION OF MUSCOGEE BITTLE, FOR CITIZENSHIP IN THE CREEK NATION

Q. E. Kiefer, being sworn by Notary Public, Guy L. V. Emerson, and examined testified as follows:

- Q. What is your name? A. C. E. Kiefer.  
Q. Where do you live? A. Up by Twin Mounds.  
Q. Are you acquainted with Jacob Bittle? A. Yes sir.  
Q. Do you know Muscogee Bittle? A. I do.  
Q. What relation is Muscogee to Jacob Bittle?  
A. Jake is her uncle.  
Q. Do you know her father? A. Yes sir.  
Q. What was his name? A. Geirga Bittle.  
Q. Do you know whether or not Muscogee Bittle drew fourteen dollars and forty cents during the payment of 1895?  
A. Yes sir, she did.  
Q. Did she draw it herself, or did some one draw it for her?  
A. Jake Bittle drew it for her.  
Q. Did you see him draw the money for her? A. Yes sir.  
Q. How did you know that he was drawing this money for her?  
A. Because he had an order.  
Q. Did you see the order? A. Yes sir.  
Q. Do you remember by whom it was signed? A. No sir.  
Q. You saw him get the money on the order? A. Yes sir.  
Q.

Witness

R. R. Cravens

Guy L. V. Emerson

Sworn to and subscribed before me this 4<sup>th</sup> day of December, 1899 at Muscogee, I. T.

*C. E. Kiefer*  
mark

*Guy L. V. Emerson*  
NOTARY PUBLIC.



COMMISSIONERS:

HENRY L. DAWES,  
TAMM BIZBY,  
THOMAS B. NEEDLES,  
C. R. BRICKINRIDGE.

ALLISON L. AYLESWORTH,  
SECRETARY

DEPARTMENT OF THE INTERIOR,

COMMISSION TO THE FIVE CIVILIZED TRIBES.

ADDRESS ONLY THE  
COMMISSION TO THE FIVE CIVILIZED TRIBES

Muskogee, Indian Territory, FEB 1 1902, 1902.

Received on this date from the Commission to the Five  
Civilized Tribes a copy of the record of proceedings in the matter  
of the application of Jacob Bittle for the enrollment of Muskogee  
Bittle as a citizen of the Creek Nation.

A. P. M. Kees

Attorney for Creek Nation.

Creek No. 32,

CR EN 33

CR EN 33

DEPARTMENT OF THE INTERIOR,  
COMMISSION TO THE FIVE CIVILIZED TRIBES,  
MUSKOGEE LAND OFFICE, Oct. 24, 1899.

-----x-----  
In the Matter of the Protest of the Creek:  
Nation against the enrollment of ROSA  
ALABAMA NORMAN, et al, as citizens of the:  
Creek Nation.  
-----x-----

A P P E A R A N C E S :

For the Creek Nation: Messrs B. T. Duval and F.L.Mars,  
For Rosa A. Norman et al, Mr. S. B. Dawes.

-----o-----

Noah G. Gregory, being duly sworn, testified as follows:

By Mr. Duval:

- Q What is your name? A Noah G. Gregory.
- Q Are you acquainted with the parties whose right to enrollment in the case of Rosa A. Norman et al is contested. A Yes sir.
- Q How long have you been acquainted with them? A Been about fourteen years I think; I have been acquainted with her since about 1866.
- Q Where did you first become acquainted with her? A I knew her on Snake Creek, about 12 miles north of here.
- Q Are you anywise related to her? Are you a relation of her, or the family of Normans? A Yes, I married her husband's daughter.
- Q Is she any relation to your wife? A I don't know.
- Q When you first became acquainted with her, what was her name? Had she married a Norman then, or before she married Norman? A She was already married to Norman when I knew her.
- Q Do you know anything about her previous history from declarations she made her self? A No--previous to that?
- Q Yes, previous to that time did you have any conversations with her? A No sir.
- Q Did you know anything about her enrollment? A Yes, I knew all about it. At the time of the making of this enrollment for the \$29 payment, I had been a member of the council ever since, and was acquainted with Mrs. Norman during that time. Her name had appeared on any roll according to my knowing. I have examined thoroughly the records myself and her name never appeared on any roll until the \$29 payment. I was at Okmulgee and Mr. Norman wrote to me that he had sent the names to John Francis at Mufala, and he didn't know whether they were enrolled or not.
- Q Who was he? A Town king of Hickory ground town. The rolls had already been submitted to the council, and I found their names were not placed on them. The rolls had passed both houses before the names were enrolled. Ward Coachman was president of the house I met him on the stairway and said --
- Objected to by Mr. Dawes. Objection overruled
- A I stated the case to him-- I said to him that Mrs. Norman's name had not been enrolled and that Mr. Norman had written me to see about it. Coachman had been acquainted with the former Mrs. Norman, and therefore he said --
- Answer objected to as incompetent.

Q Coachman was at that time President of the House of Warriors?  
A Yes sir.

Yes sir.

Was you a member of the House of Warriors? Yes sir.

Q And Mr. Norman, the husband of Mrs. Norman had written you to see if they had been enrolled? A yes sir.

Q And you examined the rolls at that time? A Yes sir.

Q Before they were passed upon or after they were passed upon? A. I had discovered it after the rolls had passed both houses.

Q And you examined them after they had passed both houses, and the names did not appear? A No sir.

Q You have actual knowledge as to how the names were put on?

A Coachman told me--

Answer objected to. Objection sustained.

A That's the way it came about. <sup>Answer</sup> objected to. Objection sustained.  
on Coachman authorized me to put them

Q And you put them on yourself. Coachman ordered you to do this?  
 You put these names on the rolls after they passed both houses?  
 A Yes, without the handwriting.

Yes, without the knowledge of anyone but him.

Q He was the President of the house of Warriors? A Yes.

Q Do you know any other facts or circumstances connected with her enrollment or her rights? A That's all I know about it.

Q You were acting on the suggestion of her husband? At his request? A Yes sir.

Q You put the names on after the passed both houses? A Yes.

Q What inducement was there for you to do that? A Only as a friend of Mr. Norman, and his request to investigate whether it had been done or not.

### CROSS EXAMINATION

By Mr. Dawes:

Q You received a letter from Mr. Norman when you were in Council?

A Yes sir.

Q Have you that letter now? A No I havn't; I never considered it important.

## Re-DIRECT EXAMINATION

By Mr. Duval:

Q When was that? In '90? A Making out the census rolls of that  
payment.

Q That was called the '90 roll? A Yes sir.

## Re - CROSS EXAMINATION

By Mr. Dawes:

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**Page -**

Q Got that letter now? A No sir.

Q When was the last time you remember seeing it? A I don't recollect anything only the time I was at the Council.

Q That's all you recollect of it? A Yes sir.

Q How long had you been in council? A I was member four years in the House of Warriors, from 1886.

# RADI RECT EXAMINATION

By Mr. Duval:

Q You state that at this time you were a member of the House of Warriors? A Yes sir.

R O C K E S S      E X A M I N A T I O N

Q How long had you been in Okmulgee at the time you received the letter? A I don't know, but I was there all the time, and I

Q About the middle of the council? A Yes.

Q About the middle of the council? A Might have been. I can't say anything about that.

Q You went the same day to Coachman and asked him about it?

- A I don't know whether I did the same day.
- Q You first examined the Francis roll? A Yes sir.
- Q You then went to Coachman? A Yes sir.
- Q That was within a day at farthest, from the time you had seen Coachman? A Yes sir.
- Q You say this was within a day or two after you received the letter?
- A I think so.
- Q Were you in the house of Kings at the time the house voted on these rolls? A No, I was not because I didn't know they were passed both houses until council adjourned.
- Q You were not in the house at the time the rolls were voted on?
- A No sir.
- Q Where did you find the rolls when you went in there to examine them?
- A They were in the desk in the house of warriors.
- Q Do you remember the day of the month? A No, I do not.
- Q Do you remember what year it was? A No, I don't, only I think it was about 1890.
- Q You think it was about 1890? A Yes sir.
- Q Was that the only letter you ever received from Norman?
- A He sent me one two or three years ago that Judge Haines sent to him.
- Q You are Norman's son-in-law, are you not? A Yes sir.
- Q Your wife is the daughter of his first wife? A Yes sir.
- Q His first wife was the sister of this Mrs. Norman? A I don't know.
- Q That is family history? A I don't know anything about the family history.
- Q Don't you know it was talked of by the family? Wasn't it a fact?
- A No, my own wife says she is not; if she is she don't know it.
- Q I was asking if all the family didn't talk of the relationship in your presence at these times, stating that she was a relative?
- A I have heard her say that they were no more like sisters than anyone she ever saw.
- Q Didn't Norton, and his children and this woman and the members of the family speak of the relationship that existed between these two women? A No sir.
- Q Always denied her relationship? A They never did know her family she came from.
- Q How long have you known this Mrs. Norman? A Since the following fall after I was married. I was married in the summer and I got acquainted with her during the following fall--'86.
- Q Was she married to Norton at the time you were married?
- A I have been told she had been married--
- Q Was she married to Norton, your father-in-law at the time you were married? A If she was, she was not there at the time I was married.
- Q What are your feelings towards Mrs. Norton? A My feelings are all right.
- Q Who circulated the petition that requested the Chief to investigate this case? A I don't think that has anything to do with my evidence.
- Q You answer the question and see.
- By Acting Chairman Bixby: If you know who circulated the petition you can state.
- A What petition?
- Q The petition dated Sepulpa, Jan. 5, 1899, signed by a number of citizens requesting that this case be investigated. Who circulated that petition? (Petition read by Mr. Haves)
- A I am not supposed to know about any petition unless my name is signed to it.
- Q You are supposed to answer my question direct. A I don't testify to anything only what my name is attached to.
- Q Who circulated that petition and got those signatures?
- By Mr. Duval: I think if he circulated the

petition he ought to say so.

Q Did you circulate the petition?

A No, if this is the one I am asked if I had circulated I would say so.

Q Look at it and see if you circulated it?

A If this is the one I circulated, my name would be with it.

Q You signed a petition? A I don't see my name here.

Q Did you ever sign any petition of that nature? A Not this, I don't know anything about.

By Mr. Dawes:

Q You never circulated that petition? A No sir.

Q Did you ever go to the Chief in person and ask him to institute proceedings to get these names off the rolls? A Yes, I did go to the Chief.

Q You went to the Chief and instituted this complaint against this woman? A Not this one.

Q The one we are hearing now? A Yes.

Q You was the cause of this investigation? A Not altogether.

Q You was the prime mover in the matter? You started it and the others assisted? A No sir.

Q Who did start it? A I heard a good while ago, George Sangers.

Q You are a son-in-law of Mr. Norman? A Yes sir.

Q He died in December of last year, didn't he? A I think so.

Q In his will your wife was left, or practically left out sharing in his estate.

By Mr. Bixby: What bearing does this have on the question of Mrs. Norman's citizenship?

By Mr. Dawes: It shows his honesty of purpose and goes to show the credibility of his testimony.

Q State if in the will of Mr. Norman your wife was not practically barred from sharing in the same estate, and for that reason there was enmity between you and the other members of the family?

A I have got no feelings against any of them.

Q Wasn't it a fact your wife was practically excluded from sharing in the estate, and you have instituted suit to set aside the will against these other parties? Isn't that so?

A I don't know that because---

Q You answer the question. Haven't you begun a suit to set aside that will in the United States Court? A No sir.

Q Nothing of the kind? A We aint got a suit to set aside that will.

Q You have got a suit involving the estate of the man Norman?

A Yes, but that isn't the reason; I was conscious that I had done wrong.

Q You waited ten years before your conscience began to trouble you?

A The chief and I had a talk that it was time that everything came off that roll. Heretofore we could make citizens out of any people---

Q Did you interline the names of these people on that roll yourself?

A I think I did.

Q Are you positive that the names of these people are on that roll in your hand writing? A I think so.

Q You swear you went there and interlined those names yourself in your hand writing? A I think so.

Q You don't know positive? A I do.

Q You swear positively that they appear on that roll in your hand writing.



- A It should be. I went up there and was authorized.
- Q Who else was present when you did that?
- A I think, I am not sure. I think Joe Mingo was with me; there was one or two more that was left off the same way, and we put them on.
- Q You and Joe Mingo? A Yes sir.
- Q Had the roll received the approval of the Chief at the time you put the names on? A Not yet; it had passed both houses.
- Q What day of the month did you put the names there? A I don't remember.
- Q What day of the month did the rolls receive the approval of the Chief? A I could soon find out.
- Q Answer from your own recollection? A I don't know.
- Q What day of the month did the rolls pass the council? A I don't know.
- Q What day of the month did the rolls receive the signature of the President of the house of kings, showing that they had passed allowing to the house? A I don't remember that.
- Q There were several other names put on there as members of Broken Arrow town? A One or two.
- Q Who were they? A I don't remember exactly, but there was Barbers.
- Q What time in the council did the rolls pass? A In the evening.
- Q How long after these corrections was it until the council adjourned for the term? A I think it must have been a week or two, but I don't know.
- Q That was in the fall? What month was it? A Must have been-- I can't say whether it was October or November, but I think it was either October or November.
- Q You never mentioned that matter to anyone at all after that time until January of this year, did you? A Yes, I have mentioned it before.
- Q When did you mention it? before? A I don't remember when I have mentioned it, but I have mentioned it different times.
- Q Who did you mention it to? A I think the person I particularly remember was Joe Sanger.
- Q Sanger is another son-in-law of Normans? A Yes sir.
- Q And he or his wife, is a party with you, to this suit about the estate? A Yes, I also mentioned it to Sam Brown.
- Q Where was it you mentioned it to Sam Brown? A I don't remember just where.
- Q And you don't remember just when you mentioned it to Sanger? A No.
- Q You and Sanger have talked the matter over very thoroughly since the first of this year? A Never talked very thoroughly.
- Q Did Sanger go with you when you went to the Chief to lay this complaint against these people? A No sir.
- Q You went by yourself? A Yes, I went there by myself.
- Q When did Sanger go to make this complaint to the Chief? You say he helped start this investigation? A He did.
- Q When did he go? A Never went.
- Q You went by yourself? When did you go to the Chief? The 5th of January, as this letter shows? A No sir.
- Q When? A I think along in February.
- Q Was it the 5th, 14th or 20th? Which one? A January 20th.
- Q You went alone at that time and complained to the Chief about the matter? A Yes sir.
- Q And upon the strength of that complaint you wrote this letter of Jan. 20th to the Dawes Commission? A Yes, there was already a complaint instituted.
- Q Sanger instituted that? A I suppose he did.

- Q From 1890 to 1899 your conscience was not sore over this matter. It didn't hurt you until 1899, when you felt impelled to go to the Chief? Isn't it a fact that at that time your suit against the Norman estate had already been filed? A I don't know whether it was or not.
- Q Either filed or prepared for suit? A Might have been.
- Q Your wife was willed the sum of \$20 in his will? Question objected to; Objection sustained.
- Q Your wife is a Creek citizen is she? A Yes sir.
- Q She is the daughter of Mr. Norman's first wife? A Yes sir.
- Q And the present Mrs. Norman has lived in the Creek Nation since 1884, to your knowledge? A No, not '84, I don't know that; '86 is when I first knew her.
- Q You don't know of your own personal knowledge whether she has ever been recognized in any other way prior to your manipulating the matter, or you don't know that she had been, in some other way, recognized as a citizen? A No sir.

RE - DIRECT EXAMINATION.

By Mr. Duval.

- Q You spoke of discovering after the "adjournment"- You meant the adjournment of the day? Not the session?
- A Yes, the adjournment until the next day.
- Q Was council actually in session at the time you made the discovery?
- A Yes sir.
- Q Mr. Dawes asked you where the rolls were when you first saw them where were they? A In the desk of the House of Kings.
- Q Had they been endorsed and passed? A Yes sir.
- Q And signed by the President? A Yes sir.

By Mr. Bixby: Were these rolls ever submitted to the house of kings or house of warriors after you offered these names for approval?

A No, they were forwarded right to the executive office.

RE - CROSS EXAMINATION

By Mr. Dawes:

- Q You stated while ago you was not in the House of Kings at the time the rolls were acted upon? A No sir.
- Q Were you in the House of Warriors? A I don't know just why I happened to be out when the rolls were acted on.
- Q Then of your own personal knowledge you don't know when they were acted upon by either the house or council, do you? A No.
- Q Did you see the clerk of the house of warriors or the presiding officer of that house sign them? A No.
- Q Did you see the president of the house of kings and clerk sign them? A No sir.
- Q Were you in the house every day and every hour it sat as a house, from the time you say you made these interlineations until the conclusion of the session?
- A I guess I wasn't. If I was, I would have been there when the roll was acted on.
- Q Were you a member of the council in '94 and '95?
- A Yes, I was a member until 1895.
- Q Did you see that these rolls were endorsed at the time you examined them? What was the endorsement on them?
- A I didn't look at the endorsement.
- Q You don't know what endorsement was on them at the time you made these interlineations, not having looked at it? You don't know, do you? A No sir.

- Q When you answered Mr. Duval that the rolls were submitted when you made these interlineations, you didn't know what he meant?
- A I knew what he meant. I knew the rolls never appeared again before the council.
- Q You say now, you don't know what endorsement was on them at the time?
- A I didn't say they were endorsed.
- Q Then you don't know whether they were endorsed or not at that time, or what was on them, of your own personal knowledge?
- A I know they were passed on from the fact---
- Q I want facts. A.--the council when they read the minutes--
- Q You answered Mr. Duval that they were endorsed, but now you say you didn't say that.
- A I know I was present and the minutes read they were passed and approved the next morning.
- Q The next morning, which was the preceeding day,, you say the minutes were read and approved. Is that correct? A Yes sir.
- Q Then it took that reading and approval of the preceeding day to complete the work of that day, did it?
- A I don't know whether it did or not.
- Q As a matter of fact, the presiding officer of the house did not endorse a measure until the minutes of the preceeding day had been read and approved? Isn't that a fact, and the custom of these bodies?
- A It is the custom whenever a bill is passed, the clerk signs the document--
- Q Isn't it a fact that the house, the following day, has a right to review any work it saw fit during the period of reading the minutes, and the work of that legislative day has not commenced until the approval of the minutes of the preceeding day was read?
- Question objected- Sustained.
- Q Which house approved those rolls first? A House of warriors.
- Q Then the house of kings approved them? A Yes sir.
- Q The day following the day you made these interlineations the minutes of the day before were read and approved in the house of kings, you say?
- A Yes, I am confident of that., for such instances a person could not remember all his life time

# RE - DIRECT EXAMINATION

By Mr. Duval:

- Q Was the council in session, that is, the two houses in session, at the time you went up and put these names on? A Yes.
- Q Was the house in session at that time? A Not that day.
- Q I mean, the very time--the house of kings in session at that time?
- A Yes sir.
- Q Where did you make these interlineations?
- A I think Hingo and I took them down stairs in the adjoining room, to the executive office, and looked over them.
- Q And there you inserted the names? A Yes sir.
- Q And then where did you go with them?
- A We returned right back, as Coachman instructed us.
- Q You remained in the house of kings until they adjourned that day?
- Question objected to as not proper re-examination
- Q While you was in the house of kings that evening, those rolls were not called up?
- Same objection; Sustained.
- Q There was no official talk in the house about this change that was made? A No.

- Q Were you present in the house all that afternoon? You say it was in the evening, the last hours of the council? There was no council until nine o'clock the next morning? A Yes.
- Q When you took the rolls back to the president of the council, was it in session at that time? A They had adjourned for the day.
- Q And the next morning you stated, the records were read and approved A Yes sir.

VIC BRUNER, being duly sworn by Acting Chairman Bixby, testified as follows:-

By Mr. Duval:-

- Q What is your name? A Vic Bruner.
- Q Are you acquainted with the applicant here, Mrs. Norman? A No, not very much. I have seen her once or twice.
- Q Were you acquainted with her husband? A Yes sir.
- Q How long did you know him? A I guess I knew him for a considerable time. I couldn't give the exact time of course; I am pretty well acquainted with him.
- Q Good many years? A Yes.
- Q Do you know anything about her enrollment in 1890? A No, I don't.
- Q Were you in the council in 1890? A I was at the council, but I was not a council member.
- Q Do you know anything about the enrollment of the Hickory Ground town that was taken in 1890? A Yes sir.
- Q What is it? A I was first district attorney, and then I was judge; I served four years in each term. I was first elected as attorney of the district to find out who was intruders; we called them intruders in them days.
- Q Did you have anything to do with Mrs. Norman? A I went to Mr. Norman, as he had recently taken a place on Snake river; I went over there to find out what was his business; he told me what it was, and he told me about his family, and spoke about Coachman. I made a report to the Chief in regard to what I found in Norman's family. The Chief said--
- Objected to.
- Q Did you do anything after that under the orders of the Chief? By Mr. Bixby: What did you report to the Chief?
- A I found Norman had his family were intruders.
- Q Did you take any farther action in the matter? A Yes, I reported to the Agent; made a report to the Chief, and he made a report to the Agent.
- Q You based that report upon the information you got from Norman himself? A Yes sir.
- Q How long was he located in that neighborhood at that time? A Considerable time.
- Q I mean before you went there? A I don't know; couldn't say; not very long before I got after him of course.
- Q Is that all you know in regard to the action of these people? A Well, that's about all I know, what I done in my duty; I never made a report--don't remember anything about Mrs. Norman being enrolled as a Creek.
- Q When you speak of Mrs. Norman, you speak of Mrs. Norman here present, or the former one? A The last one.
- Q By Mr. Bixby: What year was that? A I couldn't tell you; it was the year

before 1890, or afterwards; it was a little before 1890-1889.

By Mr. Duval:

Q Coachman was Chief at that time? A Yes sir.

Q Before or after he was president of the house of kings?

A He was president of the House of Kings before he was Chief I think. I am not sure.

### CROSS EXAMINATION.

By Mr. Dawes:

Q You were district attorney before you were judge? A Yes.

Q How long were you attorney?

A About two years--one term.

Q Then how long were you judge? A Two years

Q You were attorney four years and judge four years?

A Yes, one term.

Q Then another term of two years? A Yes sir.

Q You were district attorney four years, and then judge four years?

A Yes sir.

Q How long were you in council?

A I was in council four years.

Q Which four years? A Along in '70

Q Beginning what year? A I couldn't tell; along in the '70's

Q Were you attorney and judge before you were in the council?

A No, I was council member first before I got to be district attorney

Q You were attorney while Coachman was Chief? A Yes sir.

Q Or judge? A I was attorney.

Q This report you say you made to Coachman?

A Yes, made it to Coachman once.

Q How many did you talk to about this family?

A I made several; to Chekote and Coachman.

Q About this family? A Yes sir.

Q Which did you report to first? A Coachman.

Q And then Chekote? A Yes.

Q You don't know what years you were district attorney?

A Go to the records and you will find.

Q I am asking you.

A I don't remember; I was attorney all the same.

Q How long have you known the present Mrs. Norman?

A I told you I was not much acquainted with her. I saw her twice as I know of.

Q Did you see her at Norman's house?

A Yes, saw her at Red Fork.

Q Are you sure this was the lady, or was it his first wife?

A I am talking about his last wife.

Q You don't know what year that was? A No sir.

Q You were there for the purpose of confiscating his improvements if he was not a citizen? A Yes sir.

Q And you reported to Chief Chekote?, and he gave Norman a certificate showing that he had married a citizen and was entitled to reside here? A Yes sir.

Q And Coachman was chief during what years?

A I cannot remember exactly.

Q And Chekote gave to Norman a certificate showing that he had married a citizen, and for that reason was entitled to reside here?

A I don't know whether he did; I think he gave it to his wife; she had a right to reside here in the Territory.



- Q Why?
- A I guess he must know; I made a report and Chekote said she was entitled to reside here.
- Q Chekote said so? A I suppose so; I didn't turn her out.
- Q Coachman knew the family personally?
- A I don't know whether he did or not
- Q Was he related to both wives? A I don't know and didn't ask him.

RE - DIRECT EXAMINATION.

By Mr. Duval:

- Q Did you ever see the certificate? A No, never did as I know of.
- Q You don't know of your knowledge that there was any certificate given? A No, I only heard it was so; also saw papers that were--
- Q You don't know anything about it? Do you know whether it was given to the first or second wife?
- Question objected to-- over ruled.
- A I seen the first wife--Norman claimed as his wife. Of course when he claimed that woman some of his relation here had a right to remain here, and he gave the certificate. I made the report that they was intruders and they ought to be removed, and Coachman said they was Indians.
- Q You don't know what year that was in?
- A I don't know the year, but Coachman was Chief
- Q How long had he been Chief at that time?
- A Four years. One year he was not; Chekote was Chief and he went out.
- Q At the time you made this report, how long had Coachman been Chief Was it one term, or three years?
- A I don't know which year.
- Q Did you make a report to Chekote about these people?
- A I made a report to Chekote about the second wife.
- Q Do you know whether or not, of your personal knowledge, Chekote gave them a certificate?
- A If he did, I don't know; I don't suppose he did; I couldn't say; might not.
- Q Do you know of your own personal knowledge?
- A I say I don't know whether he did or not; he might have and he might not.
- Q Was it during Chekote's first or second term that you made this report? A I suppose it was about the 3rd term.
- Q Chekote was Chief two terms? A Three terms.
- Q And his last term was last preceeding Perryman's? A Yes sir.
- Q It was during the last term you made this report? A Yes sir.
- Q You say Chekote served three terms, and it was along about the second term you made this report about Norman's second wife? Did you make the report against Norman's wife during the 1st, 2d or 3rd term? A I think the second term.
- Q And you don't know whether he gave them a certificate or not?
- A I don't know.

RE - REDIRECT EXAMINATION.

- Q I cannot understand this question about the certificate. When you reported to Ward Coachman, was it the first or second ~~second~~ wife?
- A The second wife.
- Q That was the wife he gave the certificate to? A Yes sir.



JOHN BUCK, being duly sworn by Acting Chairman Bixby, testified as follows:

Through Official Interpreter, Madison Brown:

By Mr. Duval:

- Q State your name? A John Buck.
- Q Where do you live? A Wealaka.
- Q Are you acquainted with Mrs. Norman?
- A He is not acquainted with her, but he has seen her.
- Q Were you a member of the council in 1890.
- Q He says he does not know whether he was or not; he was judge sometimes, and a member sometimes, and he cannot tell the dates.
- Q Do you know anything about the enrollment of the Normans in 1890, about their being put on the rolls?
- A He says that when Coachman was Chief he investigated the Norman family, that is, the oldest two girls in the family; that is all he knows about it.
- Q What does he mean by the older girls? Or the first wife?
- A Yes, the first wife.
- Q Did he make any report to the Chief, as judge, as to the investigation, officially?
- A He says he was district attorney at the time, and went and reported to the Chief, Coachman.
- Q What did he report to the Chief?
- A Norman's first wife claimed she had Indian blood in her, and he investigated, and her grandfather was Indian and so he reported to the Chief in that way.
- Q That was the first wife? A Yes sir.
- Q Does he know anything about the second wife?
- A He says that at the time he investigated this woman, Norman's first wife claimed to have another sister.
- Q But does he know anything about this one?
- A He says he heard that Norman, after his first wife died, Norman went back and married; when he came back here they married here; that is what he heard.
- Q Does he know anything about who she is, of his own knowledge?
- A He says what he knows about it would be only hearsay; that's all he would know.
- Q He speaks of going after her. Did Norman go out of the nation, or where did he go to marry her?
- A He says he heard he went after her in Alabama.

CROSS EXAMINATION.

By Mr. Dawes:

- Q When were you district attorney.
- A I cannot tell exactly the year, but as near as I can get at it, it is over twenty years.
- Q And he was district attorney during Coachman's time?
- A Yes, in his time.
- Q Ask him what time during Coachman's administration it was he made this report--whether the 1st, 2d or 3d year of his administration?
- A About Coachman's second year he made this report.
- Q Ask him who he first talked with about this first knowledge of this matter--about the Normans?
- A He says there was an act passed through council when he was district attorney to the Chief to order the district attorney to take all non-citizens names off the rolls.
- Q Ask him if he did not tell Henry Land week before last, that when he investigated the family of Mr. Norman, Mr. Norman was living with his second wife, and if she was not a sister of the first wife.
- Question objected to- Sustained.
- Q Did you have a conversation with Henry Land week before last, with reference to this Norman case
- A No, he didn't; never talked with Henry Land about it.

Q Ask him if he didn't state to Henry Land week before last that he investigated the rights of this Norman family when he was district attorney, and at that time Norman was living with his second wife, and while Coachman was Chief?

Question objected to; Over ruled.

A He says that what he has stated is all he knows, and he has not told Henry Land anything of the kind.

Q Ask him when he first saw the present Mrs. Norman?

A The year after he brought her here.

Q She had been living with Norman about a year before he saw her?

A Yes.

Q Does he know what year that was?

A He says he could not state what year or what month, because he never thought anything of this kind would occur; he don't know anything about the dates.

MRS. CLEMMIE SANGER, being duly sworn by Acting Chairman Bixby, testified as follows:-

By Mr. Duval:

Q What is your given name? A Clemmie Sanger.

Q Are you acquainted with Mrs. Norman? A Yes sir.

Q Is she any relation to you? A Not that I know of.

Q Not married or otherwise? A She is my step-mother.

Q Your mother is dead? A Yes sir.

Q When did you first become acquainted with this lady?

A It was about three months after my mother's death I believe; I am sure it was.

Q Where did you first know her?

A She had just come from Alabama I suppose; she visited me at the school; my father brought her to the school where I was going to school.

Q That was after your mother's death? A Yes sir.

Q Was your father married to her at that time? A No sir.

Q How old were you at the time of your mother's death?

A Twelve years old.

Q Were you present when your father married this lady? A No sir.

Q Do you know where he married her?

A Only from what he told me; he told me they were married at Okmulgee.

Q How long was that after your mother died?

A Mamma died in July, and I think and I think this was along about the 1st of January.

Q Where were you at the time they were married?

A I was at school, the Wealaka Mission.

Q How far is that from your father's home? A About 16 miles.

Q Did you live at home ever after they were married?

A Yes, I was at home, but she was not at home. She left my father and went back to Alabama after they married. Papa took me from school to keep house while she was absent; we thought she was never coming back any more.

Q How long was she absent?

A It was six or eight months, -almost a year.

- Q Do you know anything about your mother's family personally? Were you acquainted with any of the members of the family, her brothers or sisters?
- A I knew my Uncle, my mother's brother, at Muskogee.
- Q Is he living there now? A He is dead.
- Q How long has he been dead?
- A He died about two years after mamma died. I suppose he has been dead about ten years.
- Q Do you know whether your uncle--your mother's brother--knew this lady? A No sir.
- Q Did you ever have any conversation with him about it?
- A I never heard him say anything her.
- Q Did he visit your father's house after the second marriage? A No.
- Q So you never saw him and Mrs. Norman together? A No sir.
- Q When was it you first heard her claim to be a sister of your mother?
- A Just before the marriage; it was the visit I spoke of at the school about a week before the marriage.
- Q That was the first you heard about it? A Yes sir.
- Q Had you ever talked with your mother in regard to her family?
- A Yes, Mamma had often talked to us.
- Q In regard to the family in Alabama? A Yes sir.
- Q What did she speak to you in regard to the family?
- A She spoke of grand mother as being alive, and grandpa was dead.
- Q Did she have any other brothers besides the doctor here?
- A I never saw any.
- Q What members of the family did she speak of?
- A I heard her speak of Uncle Worth.
- Q Did she speak of having any sisters living there?
- A Yes, I have heard her speak of a sister by the name of Mrs. Martin.
- Q Is she living or dead? A Living.
- Q Do you know where she is living now? What was her given name?
- A Mittie I believe, what we called her. I don't know whether it is short for something.
- Q From what you understood, where did she live?
- A Somewhere near Selma, Alabama, as near as I can remember.
- Q When was it your mother died? A In 1883.
- Q Do you know anything of the enrollment of your step-mother of your own knowledge. Did you hear about the Commission, or hear any conversation of the family about it?
- A Do I understand you to mean that I know whether my step-mother was ever enrolled?
- A Yes, and how you knew that?
- A I know this much, that after their marriage papa brought her to Okmulgee to have her go before the Commission and try to establish the fact that she was my mother's sister, and she would not do it.
- Q She would not do it? A No sir.
- Q In regard to this aunt, Mrs. Martin. Have you ever heard of her since your mother's death?
- A No, I don't correspond with her.
- Q Do you know of any other effort of your family to come before the Creek nation; was that the only instance? A I believe it was.
- Q Have you any brothers and sisters? A I have one sister.
- Q Is that all of your family? A That is all of them.
- Q Have you and your sister ever recognized this lady as your aunt?
- A Of course, papa told us when he married her that we should call her aunt, but we soon became convinced that she was not our aunt, as she had no sympathy for the neices and little nephew whatever; that was the only reason.
- Q What other reasons?
- A Mamma's cousin, that is now dead, by the name of Dick Carr, told me she was not my aunt.

Answer objected to, and move to strike out.  
Sustained.

- Q Did she bear any resemblance to your mother? A None whatever.  
Q Did you ever hear her converse about the family back in Alabama?  
A No sir.  
Q Never spoke of the Mrs. Martin your mother spoke of?  
A No, she never had any conversation with me.  
Q Did she ever speak of the family in your presence, of your mother and father?  
A She spoke of her mother, and I sent my photo to her mother, and also to the family, and never received any receipt of the pictures; never was recognized.  
Q There has been no communication between you and the family back in Alabama? A None whatever.  
Q Dave Carr--where is he? A He is dead.  
Q Had he ever lived in Alabama? A Yes sir.  
Q Cousin on the side of your mother or father? A My mother.  
Q At the time you met this Carr you spoke of, was Mrs. Norman present when he told you the remark you made a while ago? The remark that Carr made?  
A Mrs. Norman was not present; he said it direct to me.  
Q What age man was he?  
A He was an Indian and it would be hard to guess at his exact age, but I guess about 55.  
Q When he spoke of her, he spoke of knowing her elsewhere? Spoke of having any knowledge of her? A None whatever.

# CROSS EXAMINATION.

By Mr. Dawes:-

- Q You say after your father's marriage to your step-mother, you lived at home part of the time; what portion of the time did you stay at home with him?  
A I don't think I was ever home more than four months altogether. It was at different times.  
Q They were married in 1884, were they not? A Yes, in 1884.  
Q And your father died in December, 1898? A Yes sir.  
Q And during that time you was not at home more than four months altogether?  
A What I meant by my home, was before I was a married woman. I visited their house some afterwards.  
Q During the time you were single after their marriage, how much of that time did you stay home with them, your father and step-mother?  
A About four months, as near as I can recollect.  
Q How long have you been married? A A little over 12 years.  
Q Between their marriage in the early part of 1884, and your marriage you staid at home only about four months altogether, and that was made up of different visits.  
A I staid at home about four months while I was a single girl, and afterwards I visited the house at different times.  
Q After their marriage how long periods have you been at their house? A Just on short visits.  
Q How many visits have you made?  
A I didn't count them; I used to go and see my father.  
Q How long would you stay?  
A Very often I would take dinner with them; sometimes I would not stay that long.  
Q Your conversations with your step-mother, and relations with her in every way were very limited?  
A My step-mother and I were always passably agreeable to one another until lately.

- Q Until the beginning of this year?  
A Its been about a year, I guess.  
Q You have had very few conversations with her in your life?  
A No, I have had a good many conversations; conversed with her frequently.  
Q You have been with her very little all the time she was your step-mother?  
A About four months and a few visits.  
Q And that four months and few visits covered a period of about 16 or 17 years? A Since 1884.  
Q Were you born in this country? A No sir.  
Q Where were you born? A In Florida  
Q How old were you when your parents came to this country?  
A When I was just a little tot- probably 5 years old  
Q Have you ever been taken to the place of your birth? A No sir.  
Q Ever visit the family connection in Alabama? A No sir.  
Q You don't know your grandfather or grandmother on your mother's side? Never seen them?  
A I know them through what mamma said about them only; I have seen them but I don't remember them.  
Q You have never seen them since you have been in this country?  
A No sir.  
Q They have never been out here? A No sir.  
Q You don't know from personal acquaintance any of your aunts or uncles who remained back there, on your mother's side, unless it be this Mrs. Norman is your aunt?  
A No, as I never visited them.  
Q When your father brought this lady to the school some months after your mother's death, he introduced her as your mother's sister?  
A No, he said we should call her aunt.  
Q Did he say why?  
A After the marriage the children began to inquire why she was aunt and he said she was mother's sister.  
Q He knew the family back there?  
A I don't know; he married my mother, but whether she was that family I don't know.  
Q After they were married he told you she was your mother's sister?  
A Of course, we naturally wanted to know the whys and wherefores, and he told me she was mother's sister.  
Q Your mother was a woman of Creek blood? A Yes sir.  
Q You are a citizen yourself of this nation, by reason of her Creek blood? A Yes sir.  
Q You say you and your stepmother were reasonably agreeable until recently?  
A I never had any trouble with my step-mother, or anyone else as far as that is concerned.  
Q How far do you live from where Mrs. Norman lives?  
A She is about 6 miles from Sapulpa where she lives, but she stays in town most of the time.  
Q Your father left you a very limited amount of his estate in his will? A Well, yes.  
Q The greater portion of it was given to your step-mother?  
A Well, I call it all.

REDIRECT EXAMINATION.

By Mr. Duval:

- Q You stated a while ago that you had only spent about four months of your time at home after your father's marriage and up to the time of your own marriage? Where were you at that time?  
A At school.  
Q All the time? A Yes sir.  
Q Where? A At Muskogee.



- Q Does this four months include the time you went home to keep house after Mrs. Norman had gone to Alabama?
- A She was in Alabama when I was housekeeping; I was keeping house in her absence.
- Q You were there four months besides the time you were keeping house for your father, and while you were there she was in Alabama?
- A Yes sir.
- Q When there was vacation where did you go?
- A I never spent my vacations elsewhere except at home, but this happened to be a school year.
- Q The four months you staid at home during your girlhood was while the school was going on, or at the vacation?
- A My father had to take me from school when I was housekeeping.
- Q But the other time when you was not housekeeping, you spent as much as four months independent or outside of the time you were housekeeping?
- A Yes sir.
- Q During the vacations of the school, the four months, or was it part of the time school was going on?
- A It was during vacations; whenever she was at home I went to school. When she was away I was compelled to leave home and stay at home.

STANWADIE, being duly sworn by Acting Chairman Bixby, testified as follows:-

Through Official Interpreter Sam Chekote.

By Mr. Duval:

- Q Ask him where he lives? A Lives 5 miles this side of Red Fork.
- Q Ask him if he is acquainted with this lady, Mrs. Norman?
- A He didn't know her until he was appointed prosecuting attorney in this district, and that is the time he got acquainted with her.
- Q As prosecuting attorney did he have anything to do with her or her husband?
- A He says he was looking out for the interests of the citizens and therefore that is the reason he got acquainted with them.
- Q What did he do?
- A He says there was a big pond of water there and their cattle and everything needed to get water there; and the people went there; and old man Norman undertook to fence that big hole of water; he sent his men down there to fence it; he said his wife was a citizen, and asked them what was the reason they were driving the men off.
- Q Was that the first or second wife?
- A He said Talwamicea was town king of Hickory ground town, and Mr. Norman came there; and he came to town to find out. He came to this man Talwamicea and inquired about Mrs. Norman. Talwamicea told him that Mr. Gregory had one of the girls-- had married one of the girls, but that Mrs. Norman was not the mother of these girls; that she was a different woman, and so told them that Mrs. Norman was not a citizen.

#### CROSS EXAMINATION

By Mr. Dawes:

- Q Ask him who was Chief at the time he made this investigation?
- A Legas Perryman.
- Q What year was it?
- A The 5th day of December, 1887 he was sworn in as prosecuting attorney.
- Q What district was he attorney for? A Okmulgee district.



- Q He made his report to Perryman in that year?  
A He says he never reported to Perryman; he always made his report to the Treasurer.  
Q Did he say Legus Perryman was Chief at the time? A Yes sir.  
Q And he made his report to the Treasurer in August, 1887?  
A He don't know; he didn't say.  
Q How long had he been district attorney when he began this investigation?  
A He says that summer; he says he was sworn in an officer Dec. 3th and it went on until the next summer  
Q Ask him who has been talking to him about this case? Who asked him to come down here and testify.  
A He says Sam Brown told him the Dawes Commission wanted him to come down here, and he came down.  
Q How did Sam Brown know he knew anything about the case.  
A It was not Sam Brown. Dawes knew he knew something about it and sent for him.  
Q How did they find that out? A They sent for him he said, the reason he came.  
Q Tell him he is avoiding my question; tell him I want to know who he first told that he knew what he has testified to here about this case?  
A He wants you to put the question straight so he can answer. He says he will testify as full as he knows.  
Q Tell him I will frame the line of questions to suit myself. Tell him I want to know who he first talked to concerning what he knew about this case, and what it was?  
A (By the Interpreter: I don't know whether I can get it all or not) He says that George Sanger talked to him about it  
Q When was that. (or Sango)  
Q Last winter sometime; he don't know whether last winter or the winter before; it was in the winter time.  
Q Within the last year? A I guess so.  
Q Ask him if he ever talked with Gregory about it, or Gregory ever talked with him about it?  
A Gregory was interpreting to Sango when he was talking.  
Q Ask him what they promised to pay him for his time and trouble when he promised to come up here?  
A No, they didn't promise him anything.  
Q Ask him when he talked to Sango and Gregory last about this case?  
A Well, it was last winter sometime; Gregory and Sango came there.  
Q They told him they were hunting up evidence to strike Mrs. Sanger from the roll? A Yes sir.  
Q And wanted him to help them? A Yes sir.

# REDIRECT EXAMINATION

By Mr. Duval:

- Q Ask him if he didn't tell them the truth about it, just as he has here?  
A Yes, he told them the truth, what he told them, but he didn't tell them all of it.  
Q Tell him if there is anything more to tell, tell it.  
A Yes, he has got some more to tell.  
Q Tell him to tell it, if he has more to tell relative to this matter  
By Mr. Bixby: Tell him to go ahead and tell it.  
A He said after he came down here and saw Talwanicco, the Hickory ground chief, he went back to Norman and told him his wife was not a citizen, and told him to stop working.  
Q Did he tell him why?  
A He went over to Legus Perryman, the principal chief, and told the matter to him. Legus told him that it was part of his duties to

look after such matters as that--the non-citizens residing in that county.

Q Did he go back any more to the Normans?

A He said he wrote a letter to Norman and took it to him, stating that he would have to cease working until council, and they would investigate the matter and tell him what he could do. If he could work there they would let him work, and if he couldn't, they would stop him.

Q Ask him what year that was? A 1898.

Q Ask him if he knows this lady here, Mrs. Norman? A Yes sir.

Q Did he know the other one? Mr. Norman's first wife?

A No, he was not acquainted with her.

Q Ask him if, after council, he received any further instructions with regard to the Normans?

A Mr. Norman wouldn't come at all.

Q Didn't come to town? A No.

Q Was there anything done by the council that he knows of? Any instructions given to him? A No sir.

#### RE - CROSS EXAMINATION

By Mr. Dawes:-

Q He said Mr. Norton would not come to the council? A Yes.

Q Ask him if he remained here at the council during the entire session? A Yes.

Q Here all the time? A Yes, waiting on Norman.

Q He staid around the council all the time? waiting on Norman?

A Yes sir.

Q And he received no further instructions from the Chief during this time?

A No, he was very near blind at the time, and didn't ask any further instructions about the matter.

SAW BROWN, being duly sworn by Acting Chairman Bixby, testified as follows:

By Mr. Duval:

Q What is your name? A S. W. Brown.

Q What are you? A I am an Euche.

Q Do you hold any official position among the Eucheas? A Yes.

Q What is it? A Town king.

Q Were you acquainted with Norman and with his first and second wives? A I was acquainted with Norman but not his wife until after he married her.

Q He had two wives; did you know both of them? A I knew his first wife.

Q Did you know his second wife? A Yes, after she came here.

Q How long have you known her? A I can't tell you exactly how long.

Q Were you a member of the council in 1890? A Yes, I think 1890.

Q The time the rolls were prepared and passed upon for the \$20 payment? A Yes.

Q Did you know anything about the placing of Norman or Mrs. Norman on the rolls? A Yes sir.

Q State what you know about that?

A I saw them place her on the roll; I was the one that placed her there; it was by transfer.

- Q You placed her on the Machie roll? A Yes sir.  
Q When was that? A Along about then.  
Q Where was she transferred? A In the Supreme Court room.  
Q What time? You say the Supreme Court made the transfer?  
A No, me and John Francis made the transfer; he transferred her to my roll on account of living so far away he could not take care of them as he wished. I put her on my roll, and also the Gregory family at the time at Sepulpa, and Sancho went on the Locher roll.  
Q Do you know anything about the original enlistment in Hickory ground town of Mrs. Norman? A No, I don't.  
Q Were they transferred to your roll before the \$29 payment?  
A I think it was; I am not certain it was because they was investigating the roll afterwards; I was one of the committee; also Francis himself; I think there was 16 of them on that roll.  
Q Wasn't that in 1895? A Might have been; somewhere along there.  
Q How long have you been in the house of kings?  
A I have been there off and on from 1867.  
Q Have you been on all the time?  
A No, four years I was treasurer and three years district judge, and one year superintendent.  
Q You are now a member of the house of kings? A Yes sir.  
Q How long have you been member of the house of kings?  
A Ever since that time I guess.  
Q This is 1899; were you in more than one term? You went in in 1895. Were you in before '95?  
A I can't give it to you exact, but Gregory had been a king four years before.  
Q You was not a king at the time Gregory was? A No sir.  
Q You were in the house of warriors when he was a king?  
Q Yes; I will tell you, in regard to this Mrs. Norman's case; the only thing I knew John Francis claimed they was his constituents and they was on his roll. I don't know how they was on his roll. Before the committee we sat there, and he wanted to transfer them, and I told him I would take them, and he said that was all right, and that's all I know about it.  
Q Do you remember whether you was on the committee of 16 in '95?  
A Yes, I was one of the committee.  
Q Do you know whether any question came up before that committee in regard to Norman's right to citizenship?  
A No, if there was, I would not have enrolled them.  
Q You enrolled them long before that? A It was same payment.  
Q You say that you took them by transfer before the \$29 payment?  
A I don't know whether it was before or not.  
Q Can you tell how long since? A I would if I go back on my books.  
Q You cannot do it without reference to your books?  
A Yes, I can go back and do that.  
Q Without reference you cannot tell?  
A I can't tell anything about it; I don't claim they are Kuchees at all; that's the way they came on my books.

#### CROSS EXAMINATION

By Mr. Daves:

- Q How long have you known the Normans?  
A I have known them a good while; about 15 years.  
Q They lived here and enjoyed the rights the same as any other married citizens during that time? A With his former wife.  
Q How far did he live from you?  
A At that time when he was living with his first wife, it must have been about 12 miles.

- Q He lived with his second wife from 1884 to 1898. How far did he live at that time from you?  
A About 5 or 6 miles.

TESTIMONY ON THE PART OF MRS. NORMAN.

DR. MARION E. TARVIN being duly sworn by Acting Chairman Bixby, testified as follows:

By Mr. Dawes:-

- Q State your name, age, residence, and citizenship?  
A Marion E. Tarvin; was born in 1837, the 15th of January, according to the records; I live in Muskogee, and am a Creek citizen.  
Q What is your native state? A Alabama.  
Q Did you know W. G. Norman? A I did.  
Q In Alabama? A Yes sir.  
Q The rights of this Mrs. Norman whose rights are involved in this matter A Yes sir.  
Q Did you know his first wife? A Yes sir.  
Q Do you know his second wife A Yes sir.  
Q How far did you live from the family Mr. Norman married into in Alabama? A I suppose some 6 miles.  
Q Do you remember the occasion of his marrying the first one of these women? A Yes, he was living there at that time.  
Q Do you remember the time his second wife came to this country?  
A No sir.  
Q What relation did these two women sustain to each other?  
A They were sisters.  
Q Full sisters? A Yes sir.  
Q Same father and same mother? A Yes sir.  
Q Were they both of Creek blood? A Yes, the mother was of Creek blood.  
Q What family in the Creek nation that you knew, is that family connected with or related to  
A She was cousin to Ward Coachman--distant cousin.  
Q What family or town did they belong to? A Hickory ground town.  
Q Are you related to them in any way? A yes, I am cousin to them.  
Q In what degree, do you know?  
A Her mother was first cousin to my mother.  
Q Your mother and the mother of these two wives of Mr. Norman were first ~~maternal~~ cousins? Is that correct?  
A Yes, our mothers were first cousins.  
Q Did you know the first Mrs. Norman's first husband?  
A No, I did not.  
Q Do you remember the time Norman married his first wife? A Yes.  
Q Was his second wife then an unmarried woman at the house of her parents? A Yes, unmarried.  
Q These two women then, have the same Creek blood in them? A Yes.

CROSS EXAMINATION.

By Mr. Duval:-

- Q Do you remember the date of the marriage of Norman to his first wife; when it was?  
A It was, to the best of my recollection in 1857.  
Q That is 42 years ago? A Yes sir.  
Q How old were you then? You would be 20 years old then, according to your statement? A Yes, the record shows that.  
Q What records? A I refer to the record I have given in.  
Q How old was this lady at that time?  
A I guess she must have been 10 or 12 years old.  
Q What is the name of her parents? A Her parent's name was Killum.  
Q How long did Norman remain in that country after he married?  
A I don't recollect how long; I left that part of the country in 1858.  
Q You left the next year after the marriage? A Yes.  
Q Was he living there then? A Yes.  
Q When you left there this lady was a young girl? Her parents still remained there? A Yes.  
Q How many children in that family?  
A There was a good many; I don't remember the number; some little fellows about the place.  
Q Give the names of the older ones?  
A I was better acquainted with Edward Killum, known as Deeter, who died here at Muskogee.  
Q You got better acquainted with him after he came here?  
A No, we were at school together.  
Q Did you come out here together?  
A No, he came first; he came after the civil war; I don't know what year.  
Q When you left in 1858, where did you go?  
A I went further up in Alabama into another county.  
Q When did you come to the creek nation?  
A I came first in 1891.  
Q Been living here ever since?  
A No, I didn't live here regularly until about the last 5 years in the Territory, since I owned my home.  
Q How far did you move out in 1858, when you left that neighborhood?  
A I will just have to guess at the distance; I could not say accurately, but I think it must be--it was in Sumpter county, and where we lived there was in Monroe county; I lived across the line from where they lived. We all had the same postoffice and church.; I suppose it must have been at least 100 miles.  
Q Did you visit the same neighborhood? A Yes sir.  
Q When were you there last?  
A I was there that same year, and then I was back there I think in 1866 or 67; after the civil war I was back there among my people, and then I was back there again in 1869.  
Q In any of your visits did you meet this lady?  
A I didn't see her there.  
Q And you left there in 1858; when was the next time you saw her?  
A Not until I came to the nation.  
Q That was in 1891.  
A I didn't see her face to face in '91, but I heard she was here.  
Q You didn't see her until when?  
A I saw her last winter.  
Q That would be about 40 years? A No, last winter wouldn't be.  
Q From 1858 to 1896 would be 40 years?  
A Yes, I didn't understand you.  
Q When you last saw her, it was about the time her sister married



Mr. Norman. She was then a little girl? A Yes, in '47 she married Norman.

Q Did you see her after that before you left the neighborhood?

Q You mean in 1858 when I went there, the first time after I left? Did you see her from 1857 until 1898? A I don't remember seeing her; there was so many of them down there.

Q And in the meantime she had grown up and been twice married?

A I understand she had been twice married.

Q Did you visit at her house? Did you ever see her and Norman together? A No, I never saw them together.

Q Where did you see her last winter? A At Muskogee.

Q Come to see you?

A No, she sent for me to see her at the hotel; she had not seen me since she was a girl, and I went down to see her.

Q You have not named to me how many girls there were up to the time you left that neighborhood. Do you remember what the first name of the first wife of Norman was?

A Yes, Caroline Neville Kellum.

Q Was this the next one to her? A Yes sir.

Q What was her name? A Rosa Alabama Kellum; this is her maiden name.

Q You knew one boy; that was the Doctor that came out here, and he was older than either of them, wasn't he? A Yes sir.

Q Are there any other girls?

A Yes, I remember another sister; an older sister.

Q What was her name?

A I think they called her Sally; Mrs. Peavey.

Q She was already married at that time? A Yes.

Q You only knew the three girls and the one boy of that family?

Q Do you know whether any of these remain?

A I have seen some of the younger children, but I can't recall the names.

Q Do you know whether any of the sisters besides Mrs. Norman, are dead? Do you know if Sallie is dead?

A I heard she was still living; I don't know it.

Q Where did you hear she was living? A I heard it here, I made inquiry about it.

Q Living where? A In Alabama.

Q What place did these people live? A Monroe County, Ala.

Q Did they leave that town? A No, just the neighborhood.

Q What was the nearest town? A Clairborne.

Q That was the postoffice, was it? A No.

Q What was the postoffice? A Mt. Pleasant.

Q They had been living there a long while before you left there; had their home there for a good many years?

A Yes, never lived anywhere else that I know of, the old folks.

Q Did you ever see the first Mrs. Norman after you saw her married?

A Yes.

Q When? A With Norman, I saw her married.

Q How long after she was married did you see her? A It was that year.

Q But you never saw her after that, did you?

A Yes, I saw her after she was married.

Q How often did you see her after she was married?

A I don't recollect.

Q You only staid there a year; did you ever see her after 1858?

A Yes, I think I did.

Q When? A I think it was in 1858.

Q You saw her after '58? A I don't recollect seeing her after that year.

Q Did you live in Muskogee when Dr Kellum lived there? A No.

Q Was he there before you came there? A Yes sir.

Q You don't know anything about when he came there, or how long he lived there? A They told me he came there directly after--



- Q Never mind what they told you; I want to know what you know.  
A I just made inquiry; he was a kinsman.  
Q How long have you lived in Muskogee? A About 5 years.  
Q You lived at Sepulpa? A No.  
Q Never lived in any part of the Creek nation except Muskogee? No.  
Q You lived here 5 years and never met Mrs. Norman until last winter? Wasn't that after this trouble came up in the family?  
A I don't know anything about family troubles only what I have heard.  
Q This was last winter, was it?  
A I heard it last winter; there was some little trouble in the family.  
Q I ask you if you saw her after the trouble came up?  
A I am telling you what I heard.  
Q You know what I am asking for; tell me what time after the trouble you met her? A It was last winter; I can't tell you the date.  
Q Was it after December?  
A She sent up to my house after me, and I don't know whether they said Mrs. Norman wanted to see me at the hotel--and I said that I would go, and I did go to see her, and she was there.  
Q Can't you tell me whether it was after December?  
A I can't tell you; it was one day last winter.  
Q Was it before or after Christmas? A I can't tell.  
Q Do you know whether her husband was dead or not?  
A Yes, he was dead. I heard.  
Q Did she tell you so? A Yes, I inquired about it.  
Q This was after his death, you say? A Yes sir.  
Q Do you know what her business in Muskogee was?  
A I only know what she told me, if that is any evidence.  
Q That would be proper.  
A She said he was dead, then I think, as well as I can remember, she spoke about filing Mr. Norman's will.  
Q That was the business she said she was on? A Yes sir.  
Q Say anything about the trouble in the family?  
A She said something about family trouble, but I don't know as she particularized about it; something about Norman's first children.  
Q Did she tell you there was any controversy about her citizenship?  
A No, she never did; never until lately.  
Q She had you summoned here  
A Yes, wanted to know what I knew about it.  
Q As far as you know--or do you know, whether she was born in Ala.?  
A Of course she was born there, as well as I can know anything of that kind. I was not present at her birth.  
Q The Creek Indians had lived there many years as a nation?  
A Yes, the main block of them had left in '49; I recollect Coachman bringing the last batch in '65; he brought some Euchees with him. Coachman and Wm. Durant brought them; they were in camp there for 2 or 3 weeks, about a ~~forty~~ mile and a half from where I was born and raised; there was 65 in the band of Indians; I was among them, and knew some of them.  
Q When and how was your citizenship acquired?  
A I had a trial about it; they investigated to see my proof.  
Q When were you admitted? A I was admitted in 1896  
Q By what commission?  
A I was admitted by the Talbot Commission, and that was, I understood, approved by the commission and put on the authenticated roll I know nothing about the rolls; never saw them.  
Q Know any one of the girls in that Kellum family that died after she had grown up, or after she was married?  
A I heard Mrs. Norman--  
Q I am speaking of those who remained back in Alabama?  
A It seems to me like there was a death among them to my recollection--the young ones.  
Q Was that before or after you left there? A I don't recollect that

October 26th, 1899.

DR TARVIN Recalled for further Cross Examination.

By Mr. Duval:-

- Q I wish to ask you some questions which I omitted yesterday. When did you move from Alabama? A In 1873.
- Q Where did you go? A Went to Texas.
- Q What part of Texas? A I went to Colorado County.
- Q How long did you remain there? A About 10 years.
- Q Then where did you move to? A Galveston.
- Q How long did you stay there? A Until I came here; until I moved here I think in 1894; the fall of 1894 or the spring of 1895; something like that.
- Q Did you make an application for citizenship to the council? A Yes.
- Q When was that? A In '92.
- Q That was before you moved here? A Yes sir.
- Q You were not admitted?
- A No, only the committee reported favorably on the petition; they did not act on it.
- Q When did you make application to the citizenship commission?
- A Which one do you mean?
- Q What one have you in your mind?
- A There was a regular citizenship commission--the Talbot Commission.
- Q Did you make petition to any other? A No, only the Talbot.
- Q When was it you made that application to the Talbot Commission?
- A I went before them in July, 1895.
- Q Do you remember who the witnesses were on your behalf?
- A Yes, Coachman and Wm. Fisher and Geo. W. Tarvin.
- Q Mrs. Norman was not a witness for you? A No.
- Q Nor Norman himself? A No.
- Q Did you know they were in the country at that time?
- A Yes; I only heard it.
- Q I think you stated yesterday that you never saw Norman from the date of his marriage except in 1858?
- A Yes, that's right; I don't recollect.
- Q You stated yesterday, I believe, that this lady here came to your house, or passing by your house, left orders for you to call at the hotel?
- A No, she sent word for me to come down to see her; sent a messenger; a couple of gentlemen; I don't know who they were; I told them to tell her I would come down; I went that evening; she was waiting for the train to go back to Senulpa. She met me and seemed to recognize me, and threw her arms around me and kissed me.
- Q Did you recognize her?
- A Yes, I saw she favored the family; I was satisfied who she was.
- Q You knew who you was going to see? The gentlemen told you who it was you was going to see?
- A Yes, they told me Mrs. Norman wanted to see me.
- Q And when she met you she threw her arms around you and kissed you?
- A Yes sir.
- Q And you say now you recognized her from your recollection of her?
- A Yes sir.
- Q In what particular? By what means did you recognize her? When she was only a little girl, and then you were 50 years of age?
- A A certain family resemblance in that family, you can almost tell, being among them so long.
- Q You had not been much with them for nearly half a century, according to your statement?
- A Yes, I was probably down there in 1867; passed through that country during the war in 1864, but I was getting away through that country
- Q How many of them did you see?

- A I was making rapid transit to get away from the confederates.  
Q I ask you how many of that family you saw at that time?  
A When I passed through there? Q Yes.  
A I didn't see any at that time; I didn't make any calls; I was in a hurry.  
Q You say you went there in 1867? A Yes, I think it was '67.  
Q Who did you see then that belonged to the family?  
A I saw a good many of my cousins there.  
Q I am not talking about them; I am talking about this particular family?  
A I don't remember seeing her; might have, but I don't remember now.  
Q As a matter of fact you have not seen any of that family from 1858 until you met her here in 1898? A No sir.  
Q And yet you say you are able to recognize this woman?  
A Yes, I am satisfied who she is.  
Q Is that from your recollection of her personally, personal knowledge, or what you have learned from others?  
A No, learned from other people. I was told she was hereby cousin George. He was familiar with her, and sent me out to visit them; told me to go several times in Norman's life time to go and visit them; he sent word that I must surely go and see them.  
Q I will ask you if you are willing to swear that ~~now~~ you would recognize her if you met her on the street?  
A I don't know that I would.  
Q Would you have recognized her from any appearance she had if you had not been informed she was there, and was going to call on her?  
A If my attention was called I might have recognized some of the features of the family.  
Q You must have a good memory? A I think I have to remember folks.  
Q You must have a wonderful capacity for being able to remember people after long periods of time?  
A I think I have; if I see a man once, I never forget him.  
Q If you see a girl ten years of age and do not see her again for half a century and know her? A I might and might not.  
Q You say in this instance you did recognize her?  
A Yes, I am satisfied; I have seen her sister, and she favors her sister.  
Q You have not seen her sister for 45 years? A No.  
Q When you saw Mrs. Norman there, did you state she did not tell you she was likely to get into trouble through litigation?  
A Well, she said she thought there was some trouble about Norman's making the will; she had come to probate it at the court; I don't know about that myself; had nothing to do with it.  
Q When did you first hear that her right to citizenship was questioned? A Never heard it until about a week ago I think.  
Q How did you hear it?  
A She wrote to me about it and wanted to know what I knew about the family &c.  
Q Then you were subpoenaed to attend here, or did you come without?  
A I was summoned by her, and I promised that I would come as a witness; yes, I was summoned that way by her.  
Q You recollect her sister was older; would you say there was a resemblance between her and her sister? A Yes, I think so.  
Q In what particular? A I always thought her sister was better looking.  
Q Is that all? A They were alike; I had seen them together.  
Q State in what particular, if you know, they resembled each other?  
A Well, they was tall like, and slender, my recollection of the other one.  
Q How about their eyes?  
A They have got--as far as I can recollect--I don't recollect whether their eyes were alike.  
Q Do you remember what the color of the first Mrs. Norman's eyes

was?

A I don't know; it seems to me they were brown; I don't know--am not sure.

Q You are not sure what the color of her eyes was?

A I don't think I can testify positively.

Q You think there is no probability of your being mistaken in this being the girl you saw in 1857?

A Yes, there is no doubt in my mind that she is a sister.

Q And you base that upon your recollection of their appearance?

A Yes sir.

RE - DIRECT EXAMINATION.

By Mr. Dawes:-

Q You were asked yesterday by Mr. Duval as to your knowledge of the relatives of Mrs. Norman who resided here in Muskogee.

A Yes, my recollection-- I think I just mentioned one name, Coachman; there were others.

Q Who else did you know in the territory here that are relatives of Mrs. Norman?

A Annie Tarvin is a cousin, now Mrs. Maloney.

Q Who else do you call to mind? A Zulu Foster is a cousin, whose mother was a Weatherford; she is a granddaughter of James D. Weatherford, and he is an uncle of this Mrs. Alabama Norton. I went back and visited there in 1889; and they are still living.

Q Who else do you call to mind that you know?

A Mrs. Milly Hinter at Muskogee, is related to her.

By Mr. Bixby: This is Ward Coachman you are talking of? A Yes sir.

Q These people you have mentioned, or at least those who reside in the Territory, are recognized as Creek citizens?

A Yes, there are some others; O. Durant is a cousin of hers.

RE - CROSS EXAMINATION.

By Mr. Duval:-

Q What relation is Durant to her?

A I can't tell you the cousinship; it is the same Indian family.

Q Do you know of your own knowledge that they are cousins?

A Yes, I am satisfied of that.

Q Where is Mrs. Foster? A She lives here.

Q Where? A I think she lives at Wagoner; she is married; she is a daughter of John Weatherford; he is a brother of Mrs. Norman's mother.

October 28, 1890.

John Francis being first duly sworn, by Acting Chairman Bixby, testified as follows:

On Part of the Creek Nation.

By Mr. Duval:

Q State your name? A John Francis.

Q Where do you live? A About four miles from Kaufaula.

Q What is your present position; do you hold any office?

A Yes, I am king of Hickory ground town, and am a farmer by occupation.

Q Were you a member of either house or council in 1890?

A Yes sir.

Q What house were you in? A House of Warriors.

Q How long have you been King of Hickory ground town?

- A For about 8 years; since 1891.
- Q Are you acquainted with Mrs. W. G. Norman, this applicant? The present Mrs. Norman? A Yes sir.
- Q Were you acquainted with the former Mrs. Norman?
- A Yes, she was an Indian--the one I knew.
- Q Was you any relation to her? A Yes sir.
- Q What relation? A I was related by her mother's side.
- Q State if you can, what degree of relationship it was---well, its not material-- Were you well acquainted with her? A Yes sir.
- Q And her family? A Yes sir.
- Q Are you acquainted with the present Mrs. Norman? How long have you been acquainted with her?
- A I can't tell; I know her a good while.
- Q Do you know how long, or when you first became acquainted with her. This present one? A No, I don't
- Q Do you know whether she was a member of Hickory ground town?
- A Yes.
- Q Was her name on the roll? A Yes sir.
- Q How did it get on the roll?
- A I don't know; I wasn't a king at that time.
- Q You were in the house of warriors? A Yes.
- Q Wasn't the roll of 1890 made by the kings and warriors? A Yes.
- Q Did you have anything to do with making that roll?
- A No, I had nothing to do with that; the old town kings did it.
- Q You may state then what you do know about her name being on the roll; when you first discovered it was there?
- A I thought that was all the Norman family when I had them on.
- Q Were you acquainted with this lady before you found her name on the roll?
- A Yes, I saw her once or twice; saw her about the time they was drawing their money
- Q You say the first Mrs. Norman was a relative of yours. Is this one any kin of yours?
- A The first one was.
- Q How about this one?
- A She might be, but I don't know it; might be a sister, but I don't know it.
- Q You say you were in the house of warriors when this roll was made in 1890 A Yes sir.
- Q You say you did look over the roll in 1890?
- A No, I didn't say that.
- Q Did you say you didn't look over the roll in 1890 when it was before the council?for approval; did you see it then? A Yes.
- Q Did you examine it to see whose names was on it? A Yes sir.
- Q Before it passed the council? A Yes sir.
- Q Do you remember whether these names--the names of this woman and her children, was on the roll at the time?
- A Yes, they was on the rolls at that time., and I just thought they was the Norman family.
- Q That was before or after the passed the council?
- A After they passed the council.
- Q You didn't see these names before it passed the council, on the roll
- A No, the name was called in the council; I heard all the names that went through the council, and thought it was the Norman family
- Q But there were Normans on the roll besides her; the old man had three children by his first wife? A Yes.
- Q Their names were on the roll? A Yes, I remember that.
- Q Do you remember whether there were any other names of that family on the roll at that time? A Yes sir.
- Q Was that before or after the rolls passed?
- A That was the time the rolls was there--I don't think that same year.



- Q I mean before or after they passed; were they on the rolls before they were passed? A It was before they passed.
- Q Did you see the names on the rolls before they were adopted by the council, or after they had been adopted?; what is your recollection about that?
- A Well, I don't think they was adopted; just counted them as I remember; I think they got them on the rolls, but I don't think they got them adopted.

Answer objected to as not admissible.

Objection over ruled.

- Q Do you know when this lady came to the Creek nation? The present Mrs. Norman? A No, I don't know when she came.
- Q Do you know of her making an application to be admitted to citizenship while you were in the council? A No, I don't.
- Q You became a king in 1891; you say you have been 8 years a king?
- A Yes sir.
- Q He was transferred it seems from the testimony of Mr. Brown, to the Euchie tribe or town. Do you know anything about that?
- A Yes sir.
- Q State what you know?
- A They was living over there, and I just told them to put it on his roll.
- Q What was your reason?
- A They was living there, and I couldn't get to them to enroll them, and told him to take them on his roll.
- Q Was there any other reason?
- A I can't understand. You get an interpreter, and I will tell you all I know; but it is too hard for me; I can't understand all the language you are talking.
- Q You have stated that the reason you transferred them was that they was living over there; I ask you if there was any other reason?
- A I cannot tell you. You get a good interpreter and I will tell you

Through Interpreter J. H. Land, who was duly sworn by Acting Chairman Bixby to interpret correctly.

- Q You have stated the reason you transferred them was that they was living over there; I ask you if there was any other reason?
- A He says the other reason was they was living among the Euchees, and the people there knew them more than he did, and they thought they had more right than he did; he didn't know anything about them.
- Q Ask him if he had any doubts as to their rights of being on the roll?

Question objected to as incompetent.

- Q Did he have any reason to doubt their rights, or believe they were not entitled to enrollment?
- A He said he had no reason whatever; he thought they might be citizens, but he wanted them to be close to the people--
- Q Ask him if he didn't tell me out here yesterday that he did have reason, and that was one reason he wanted to get rid of them?
- A No, he says he told you it was because he was not acquainted with them he turned them over to the other people.
- Q Ask him what relation he bears to the first Mrs. Norman; what kin he was to her?
- A He says he is some connection according to the customs of Indians they recognize them as some kin; the other party was a stranger to him.
- Q I asked him this morning when he first became acquainted with the present Mrs. Norman.
- A He says he saw them at the time of the payment.
- Q That was after 1890, was it? Ask him if it was before or after he became king of Hickory ground town?



A Before.

Q Ask him when he first saw the name of the second Mrs. Norman and her children on the Hickory ground town roll?

A The first time he ever saw these names on there was at the time of the \$29 payment; he said he didn't know whether you simply tell you how the names got on there or not; he can tell you about it.

Q If he has anything more to state, let him state it. If he knows he must tell what he knows.

By Mr. Bixby: Tell him to tell all he knows about it.

A He said in the first place they had Mrs. Norman, the old lady, and had her children, two girls and one boy.

By Mr. Duval: Is Mrs. Sanger one of the Children? A Yes sir.

A He said he was acquainted with these two girls and one boy, and they had carried the four names, Mrs. Sanger and one girl and two boys, until recently; until the \$29 payment; there were other names added to it; no one paid any special attention to it until then; that was the first he had seen of it; he changed on that ground, because he was not acquainted with these parties, he thought they better turn them over to the parties the people were acquainted with.

Q What king was it you said?

A He believes; he don't say he did; that a town king is not a king in the council at all. He don't know whether the town king knew it or not; but their names was on the rolls when they passed through the council

By Mr. Duval: He said awhile ago the first he saw of them was the \$29 payment; does he know they were on the roll at that time?

A The rolls passed the house with their names on the rolls; passed through the council; he says positively the rolls passed the house and they got the money. If they had not passed the house they would not have got the money. The people in the town may not have known it, but he believes they did.

Q He stated the first he saw their names on the rolls was when that payment was made. Ask him if he didn't say that?

A It was at that time; they had their names before the payment was made, and it was on at the time of the payment.

Q That was the first time he saw the name on the roll, was at the time of the payment?

A Yes, he never saw the names prior to the payment?

Q Then he didn't see the names on the roll at the time the roll was before the council?

A He said he saw them, and heard the names called out during the council; he simply thought they were perhaps other Normans that he didn't know anything about; he said there was an increase of the names of the people; he said that he heard that after, the mother of that lady, Mrs. Sanger, died, that Norman had married a sister to her mother; that's what he heard

Q I want to make him understand what I am after. He has stated that he heard the Norman name called on the roll, and he supposed it was an increase in the Norman family. Ask him if he knew who these parties were whose names he heard called there, in addition to these two girls and their brother?

A He said he knew these two girls were living made three, and the brother of these girls made four; he knew these parties when it came up to the council, and had more names on here, and he supposed it was an increase of that family. He made an investigation, or made inquiry about it afterwards.

Q Who did he inquire from?

A He inquired of the oldest settlers of Hickory ground town.

Q Was that before or after he found those names on the rolls?

A Yes, after he saw the names on the rolls. He said he didn't know personally about Mrs. Norman having a sister, and after he heard there was a sister of the first Mrs. Norman he inquired about it

and they couldn't find anyone to testify that was Mrs. Norman's sister; that they would just leave it to them; the people that was acquainted with them; they couldn't find anyone to testify that they were sisters.

- Q Didn't he say that they did find people to testify that she had no sisters?
- A No, never found anyone to testify that they was not. He supposed that the girl was a sister of the first one, and simply let it alone because they thought it reasonable they were.
- Q Ask him if, in answer to one of my questions, he didn't say at first he did find someone that would testify that Mrs. Norman had no sister, either older or younger?
- A No, he never said it he says
- Q Ask him whether he knew this present Mrs. Norman and her children before he saw their names on the roll, or not?
- A He said he never saw them before; he said Hickory ground was not responsible for them being put on the rolls; they was put on by others.
- Q What others?
- A Ward Coachman put their names on the rolls, and they are responsible for what happened.

#### C R O S S   E X A M I N A T I O N ,

- By Mr. Dawes:
- Q Ask him if he saw Coachman and Gregory put these names on the rolls
- A He says he didn't see them when they was actually writing the names but Gregory told him.
- Q Then what he knows is only what Gregory told him?
- A Yes, he said he is sure they did put them on, and when he told him that he did, that was evidence enough for him to know it.
- Q Ask him if the rolls were considered in the house of warriors?
- A He says Hickory ground never made it a practice of adopting the citizens, and they passed through without any trouble at all.
- Q That isn't the question. Wasn't the rolls taken up town by town, and voted on and adopted by the council that way? A Yes sir.
- Q And it was when the rolls were being acted on in that way he heard the names of the Norman family read in council in the house of warriors? A Yes sir.
- Q He was in the house of warriors at that time? A Yes sir.
- Q And when the roll passed through the house of warriors, the names of Mrs. Norman's family was on them? A Yes sir.
- Q They were then sent to the house of kings for official action by that body, were they?
- A Yes; might have been a mistake; don't know anything about it, but they was on when they passed the house of warriors.
- Q Ask him if at this time this family of people lived down in his neighborhood? A No sir.
- Q Ask him how long before that it was before he met the second Mrs. Norman and got acquainted with her personally?
- A He has not seen her but three times in his life, and one time was at the payment; the next time somewhere else, and the next time, this time.
- Q Ask him who was king of Hickory ground town at that time?
- A Tulwanicco; John McGilbry is his English name.
- Q The king of the town would make up the roll and submit it to the council, wouldn't he? A Yes sir.
- Q And the council would add to or strike such names from the roll, as during their consideration, might appear proper and right?

- A Yes, the council had a right to add to or take from; he said the town king supposed of course he had everything correct; he didn't know of course, that anyone else was putting names down.

RE-DIRECT EXAMINATION.

- By Mr. Duval:-
- Q Ask him if Ward Coachman was in the house of kings at that time?
- A Yes sir.
- Q What town was he king of? A Alabama.
- Q The roll that he talks of is the one under which the \$29 payment was made? A Yes sir.
- Q He has stated that he heard the names of this second Mrs. Norman and her children called from the roll, and being considered by the house of warriors. Ask him if he is positive that he heard those names? A Yes sir.
- Q Ask him what names were on the rolls; that is, what names he heard he said were there?
- A He heard it, but he couldn't report them now; he said this one made the three, and four with their mother, and then there was another three besides this lady and her sister and brother (Mrs. Sanger)
- Q This lady and her brother and sister were three, and there was three besides that? What caused him to remember that?
- A He don't understand the question
- Q I ask him how it is he remembers so well about these three names he added to the family?
- A He said he knew how many there were on the list when they admitted the second of the partys and knows the number that was added; there were three names more than they usually had.
- Q Were there any other names he heard at that time? I don't mean the Normans, but anyone else.
- A Yes, but he says he don't think that is the question here.
- By Mr. Bixby: Tell him to answer the question.
- A He says so far as his own opinion is concerned, he always recognized this lady here and her sister and brother as citizens, but the other parties was strangers to him; he said these parties, no, they were not citizens; he don't know what they put them on the list in the first place; he says they are bothering him and everybody else.
- Answer objected to as incompetent.
- Q Ask him if he has heard this question discussed since 1890/ that is, in regard as to whether these people were on this roll or not?
- A No sir.
- Q When was the first he ever heard in regard to their right to be on the roll? A Under this tent.
- Q When? A. Since he has been to council; heard it under this tent, the first time he ever heard it during the council here.
- Q I asked him a while ago if he could name the names of all the persons that were called on there. Ask him if he can name the names of anyone who was added to that roll that had not been on it before? A Don't remember.
- Q Ask him when it was that he transferred these names to the Buchie rolls
- A He says he don't know how to write; don't know exactly when; it was after he transferred the names to the Buchie rolls that the \$14 payment came
- By Mr. Bates. The \$14 payment took place in 1895.

RE - CROSS EXAMINATION.

By Mr. Dawes:-

- Q Ask him if he remembers what period of the council the rolls were considered? During the early part, the middle part, or the latter part of the session?
- A He says a committee was appointed to investigate these citizens rolls by the council, and it was at the report of this committee that the names were considered.. The council appointed the committee at the first.
- Q He says he don't remember at what period of the council the report was considered? A Yes sir.

RE - DIRECT EXAMINATION.

By Mr. Duval:-

- Q Ask him who it was that read off the names from the rolls in the house of warriors? A He said it was the clerk of the house; might have been McKellop.
- Q Ask him if it was Sam Haynes? A He was an interpreter.
- Q Ask him if he knows Robert Grayson, Judge Grayson, a council member
- A He said it was a fellow's name he knows.
- Q Ask him if he stated to Robert Grayson during the council that he put those names on the rolls himself.
- A No, he says he never told that nigger anything about it.
- 3 o'clock p. m.  
H. M. Harjo sworn as interpreter.
- Q Ask him if he had a conversation with Mrs. Sanger and Noah Gregory last night at the Durant hotel
- A He says he had a conversation with Gregory.
- Q Ask him if Mrs. Sanger was present? A Yes sir.
- Q I will ask you to state if you stated in that conversation, or any other in the presence of these parties, that you never recognized them as Mrs. Norman and her children as citizens, and that you never heard their names read before the council, and that you was positive that their names never was on the rolls when it passed the council?

Question objected to, first for the reason that it is immaterial whether he recognized them or not; second, they have offered the witness against us and asked the Commission to believe him, and now they are attempting to impeach him

The attorney for the Nation, Col. Duval, makes the statement that he was surprised as to the testimony of this witness.

Objection over ruled.

- A He said he told Gregory that he never recognized these present Normans. He knew the first Mrs. Norman. No, he never did; he never made these statements; he never told them he was positive the names never was on the rolls when they passed the council, or never heard them read in the council.

RE - CROSS EXAMINATION

- Q Ask him if he didn't say, instead of saying he never recognized them, that he was not acquainted with them?
- A We havn't got any word for "recognize", and he don't know
- Q Isn't the meaning that he was not acquainted with them, instead of that he didn't recognize them as citizens?
- A We havn't any word for recognize, more than acquainted.

By Mr. Duval: He was asked if he ever knew them as citizens; what did you ask him?

A I asked if he ever recognized them.  
(Question repeated to witness) A. He says  
he knew the first Mrs. Norman, but he didn't  
know the other one.

Q Ask him if he was not intoxicated yesterday afternoon, and late,  
until yesterday evening?

A Yes, he was intoxicated, but not in here.

H. M. Harjo, being duly sworn by Acting Chairman Bixby, testified as follows:-

By Mr. Duval:-

Q State what your official position is? A Private Secretary to the Chief.

Q As such have you charge of the papers pertaining to the executive office? Have you charge of the executive office, containing the papers relative to the Creek Nation? A Yes sir.

Q This subpoena says that you shall produce certain rolls, that is, the original rolls of 1890 or Hickory ground town. Have you made any search in the executive office where these rolls ought to be, for the rolls?

A Yes, I made an extensive search in the executive office, but I didn't find the documents.

Q Did you find any part of the Hickory ground town roll?

A No, I didn't find them.

Q Are you prepared to state that there is no part of them in the executive office, to your knowledge? after making an extensive search? A Yes sir.

Q Have you any idea where the original rolls are now?

A No, I have no idea.

Q Are you satisfied from your search in the office, that they are not in the office?

A Yes, I am satisfied there are no documents except a very few. I found a few rolls.

Q Were any of them perfect? A No sir.

#### CROSS EXAMINATION.

By Mr. Dawes:-

Q The rolls that you found were the 1890 rolls? A Yes sir.

Q What towns were ~~these~~ they of?

A If I remember, the Arbeka rolls.

By Mr. Duval: The Topofka roll, do you remember that?

A Yes, and the Arkansaw, colored I think.

Col. Benj. T. Duval, being duly sworn by Acting Chairman Bixby, testified as follows, on behalf of the Creek Nation:

In obedience to the command of the subpoena, I called on Harjo to make this search and report to me, which he did.. I went in the afternoon, day before yesterday, and examined what he had found, and yesterday, made an extensive search myself, and found no rolls at all there. I have been informed that Dr. Bennett copied the original rolls, and it is barely possible that they may be in his possession. We have written him for information, and will probably hear from him tonight. I will say this to the Commission: Whatever I find them they are at their command.



JOHN FRANCIS RECALLED FOR FURTHER RE-CROSS EXAMINATION.  
Through H. S. Haynes, Interpreter.

By MR. Dawes:

- Q Ask him if he was not in a state of intoxication from about noon yesterday until late that evening? A No, he says he was not.  
Q Ask him if he was not intoxicated during the afternoon?  
A Yes, he was a little in the afternoon.  
Q Ask him who he got his first whisky from?  
A From Col. Duval, a pretty good sized glass; glass pretty near full. It was pretty strong and he got drunk on it.

By Mr. Duval:

- Q Did you get whisky from anyone else? Didn't you have a bottle of whisky yesterday evening? You drank whisky besides the glass I gave you?  
A Yes, but then-- I was pretty drunk then, but I drank what I could get.  
Q You said the drink I gave you was full up to the top?  
A No, I said it was half full.  
Q Wasn't it poured out until you said stop? Didn't you hold the glass, and didn't I pour it until you said stop?  
A No, I didn't.  
Q You would have taken more if I hadn't stopped?  
A I thought you was going to fill it up.  
Q You would have drank it all if I had filled it up? A Yes.

MR. GREGORY RECALLED FOR FURTHER EXAMINATION.

By Mr. Duval:-

- Q Did you see John Francis last night? A Yes sir.  
Q Where was he? A At the Durant hotel.  
Q Was he drunk? A No, he was sober.  
Q Where did you see him? What part of the house?  
A In Mrs. Sanger's room.  
Q Did you have a conversation with him in reference to the Norman family? A Yes sir.  
Q State what he said in that conversation in regard to the Norman family

Question objected to.

- Q I will ask you if he stated in that conversation that he never recognized the present Mrs. Norman as a citizen, and he never knew where she came from; that he never heard their names read before the council, and he was positive their names never were read on the roll when it was passed by the council?  
A Yes, he said he never---  
Q Did he make that statement?  
A Yes, he made that statement over and over.

CROSS EXAMINATION.

By Mr. Dawes:-

- Q He said he was intoxicated? A Not last night.  
Q They brought him here in the middle of the afternoon to testify?  
A Yes.  
Q And he was in such a state of intoxication--  
A Yes sir.  
Q And it was between 5 and 6 o'clock you had this conversation with Gregory? Francis?  
A It might have been later; we sat up late last night; it was way after supper.



- Q How much whiskey did you give him?  
A I don't handle it; and didn't give him any.  
Q Didn't you give him a drink?  
A I found him at Sam Haynes, and he was sitting by a sick woman trying to get her to drink some, and she refused to drink after I got in and persuaded him to go; he left the bottle with some in there, and I brought him out.  
Q How much whiskey did he drink between the time you brought him out and bed time?  
A I didn't see him drinking.  
Q Was he perfectly sober?  
A Yes, perfectly sober as he is now; maybe more so.  
Q You stated in your examination in chief the other day, that this roll you interlined, the names of these persons on, was in the house of ~~xxxxx~~ kings? You found it there after the adjournment of the council that day?  
A Yes sir.  
Q You interlined the names? A Yes sir.  
Q Didn't you interline a number of other names?  
A Not to my knowledge.  
Q Are you sure of that? A Yes sir,  
Q I wish you take a paper and pen and ink, and write the names here, and let it go on file with this testimony, as you wrote them on the roll at that time.  
A Of course. She goes by the name of Rose Alabama, but I think I put it down this way( Writing names on papers which is herewith attached, marked Exhibit A.)  
Q You say you put no other names on that roll at all?  
A No, not at that time.  
Q Was there an extra session of the council during that year?  
A There might have been; I don't remember that part of it.  
Q You stated the council acted on these rolls about the middle of the session? Is that correct?  
A I said it might have been; I can't positively say it was.  
Q Wasn't there an extra session immediately preceeding?  
A I don't recollect.  
Q Wasn't that council of eighteen appointed by a special session of the council immediately preceeding the regular session to correct the rolls of the session and report to the council? A Yes sir.  
Q How many times did that committee report before the rolls were acted on by the council?  
A I don't know how many times, but they had to make the omitted list afterwards.  
Q This same committee of eighteen? A Yes sir.  
Q You don't know how many reports were made before the council acted on either rolls?  
A No, it was not as often as it did for the \$14; I think only twice.  
Q Didn't you tell Sam Broown in July or August of this year, that you had interlined a number of names on that roll while it was in process of council? A No, not a number.  
Q Several others in addition to this family?  
A All I ever told was in regard to this one, only one more.  
Q And didn't you tell him you got \$5 a head for putting the names on this roll?  
A No, that is as black a falsehood as was ever told on me.  
Q You testify that you didn't get anything for putting these names on? You drew the money, and gave it all back?  
A I drew \$7000 for Ruchee town, and gave it all back,--  
Q Between the 1890 and the 1895 payments, there was another committee appointed by the council to revise and correct the census rolls of the nation/ Isn't that true?  
A Not to revise, but there were made again; they didn't take just the census and revise it.

- Q This second committee then, that made up the '95 roll, had the power to strike from it any person who was not a citizen? A Yes.
- Q These people were enrolled by that committee, and that roll passed through the council? A I suppose so.
- Q You didn't go before the committee and make complaint that you had illegally enrolled these people? A No sir.
- Q You never mentioned the fact that they had been illegally enrolled by you until this year?
- A I did, at the time you stated I stated to Sam Brown.
- Q You did have a conversation with Brown and told him about it?
- A Yes sir.
- Q That was during the summer of this year?
- A I don't know whether it was this summer or not.

MRS. CLEMMIE SANGER RECALLED for further examination.

By Mr. Duval:

- Q Did you have a conversation, or were you present at a conversation between John Francis and someone else last night at the Durant hotel, with reference to the citizenship of the applicants in this case?
- A He had a conversation, yes.
- Q I will ask you if he stated in that conversation that he never recognized her (Mrs. Norman) as a citizen, and never knew where she came from, and said that he never heard their names read before the council, and he was positive that their names never were on the rolls when they were passed by the council?
- A He made that statement, yes.
- Q What was his condition at that time as to sobriety? Was he drunk or sober? A He seemed to be perfectly sober.
- Q What time of night was that? A About 9 o'clock I think; early.
- Q Was Mr. Gregory present? A Yes sir.
- Q Was the conversation with you o Mr. Gregory?
- A It was to us both, but I don't understand Greek thoroughly; Mr. Gregory interpreted.

By Mr. Dawes: We move to strike out all the testimony of Mr. Gregory and Mrs. Sanger relative to the conversation they had with Francis last evening for the reason, first, that Francis was not in a condition to be responsible for his utterances; second, it is an attempt to impeach their own witness without making proper showing; they have brought this witness here and asked the Committee to believe him as against the rights of these parties.

By Mr. Duval: I expected the testimony of the witness to be different, and when I put him on the stand, was surprised. Of course I had a conversation with him myself, but do not care to put myself in the case as an impeaching witness; it is true I gave him a drink of whisky. It was not a very large one; it was whisky I had in my room, and the old man had come in from a long ride through the rain, and was cold and chilled.

Motion to strike out over ruled by Mr. Dixby.

JOSEPH BRUNER SWORN ON PART OF THE DEFENDANTS.

By Mr. Dawes:

- Q State your name, age, residence, citizenship and official position, if you hold any in the Creek nation?
- A Joseph Bruner, 27 years, Rock Creek, Creek Indian, member of the house of kings
- Q Examine this; it purports to be a copy of the petition filed with the Commission. Was the original of that petition presented to you for your signature? A Yes sir.
- Q By whom? A George Sanger.
- Q Did you sign it? A No sir.
- Q Did you refuse to sign it? A Yes sir.
- Q Then your name was placed there without your authority? A Yes.

CROSS EXAMINATION

By Mr. Duval:

- Q When was it presented to you?
- A I can't tell the exact time; it was right after Norman's death.
- Q Where? A At Sepulpa
- Q Who was present? A No one.
- Q Was it in a house or on the street?
- A It was on a kind of an alley like; on the side.
- Q Wasn't it at or near a blacksmith shop? A Yes sir.
- Q I wish you would write your name. (Witness writes his name, and same is introduced in evidence, marked Exhibit B.)
- Q You never authorized anyone to sign your name to it, did you?
- A No sir.

✓  
HENRY LAND, being duly sworn by acting Chairman Bixby, testified as follows:

By Mr. Dawes:-

- Q State your name, age, residence, citizenship, and what official position, if any, you hold in the Creek nation?
- A J. H. Land, forty years old, Creek Indian; superintendent of Euchee schools.
- Q Are you acquainted with John Buck? A Yes sir.
- Q Did you have a conversation here in Okmulgee with him about 2 weeks ago with reference to an investigation made by him during the time he was district attorney, relative to the citizenship of the present Mrs. Norman?
- A I interpreted for Bob Powell on that subject
- Q State what he said on the subject?
- A He said he was prosecuting attorney a long while ago, and while he was, it was the duty of the district attorney to investigate all doubtful citizens and report the matter to the Chief, and that is what he did.
- Q With reference to whom?
- A I presumed Mrs. Norman.
- Q What did he say his report shows?
- A He said in making report he told them that it was sufficient to him that they were citizens, and to report to Coachman
- Q Did he say anything about learning from the proof that she was a sister of the first Mrs. Norman?
- A He said she had a book; he was telling Bob Powell, and I was interpreting for him.

- Q Go ahead and tell what he said?  
 A He said that Norman and Mrs. Norman produced a book where the names of the two sisters was on, and it seemed like it was a book that had the family records in the book; it was written by some of her people. Weatherford, I think the name was.  
 Q And he said that he made his report that she was a Greek citizen?  
 A He said he wrote it out in Greek and Brown wrote it out in English and sent it to Chief Coachman.  
 Q That investigation you say, was with reference to the rights of the present Mrs. Norman? A Yes sir.

# CROSS EXAMINATION

By Mr. Duval:

- Q Where was that? A In Okmulgee here.  
 Q Where? A In the Capitol grounds, under the trees.  
 Q You had no conversation with him yourself? A No sir.  
 Q It was only conversation as interpreter? A Yes sir.  
 Q Mr. Powell asked the questions? and Buck answered them?  
 A He had the matter before him; called his attention to him, and he said he knew something about it.  
 Q You think you are giving a correct substance of his statement?  
 A That's what he said, because I don't know anything about it, and it couldn't come into my mind unless he said it.  
 Q You got it through the medium of what he told you? A Yes sir.  
 Q You are satisfied you exactly reported what he said?  
 A Yes, as far as I can remember

# GEORGE BUCK RECALLED ON PART OF THE GREEK NATION. Through Interpreter Haynes:

By Mr. Duval:

- Q Are you acquainted with Robert Powell; son-in-law of Mrs. Norman?  
 A No, I don't know him; might know him, but I don't know him by that name.  
 Q Ask him if, after he was discharged the other day, any party approached him on the subject of giving testimony in this case, and if so, who it was?  
 A He said these two men--he was getting ready to go home--and they asked him to stay. (Indicating Robt. Powell and Mr. Weaver)  
 Q What did they ask you to stay for? A In regard to this case.  
 Q To swear in the case for them,, or any party?  
 A Henry Land and Powell talked to him before this, in regard to this.  
 Q What I was calling his attention to, after he testified here on the part of the nation, when he started back to go home, did they stop him for the purpose of offering any inducement to stay on the part of Mrs. Norman?  
 A No, they never stopped him; never talked to him.  
 Q Didn't they ask him to stay? A No.  
 Q Ask him if they didn't give him \$3 to pay expenses if he did?  
 A He said they ley him have \$3; it was before this; before he testified; he said that he asked them to loan him this \$3, and they ley him have \$3.

By Mr. Daves: Ask him if that was Saturday morning, and he stated to us that he would either have to go home or get some money while he was waiting here during the trial; didn't he state that through

Madison Brown?

A Yes, that was the way of it.

By Mr. Duval: Q Ask him whether they told him that if his testimony would do them or their side any good, that he would not be out anything?

A They only asked him to state what he knows in regard to this case; they talked to him; that's all he knows about it.

By Mr. Dawes: Ask him if George Sanger didn't ask him here about ten days ago that if he would testify that he made investigation with reference to the citizenship of the first Mrs. Norman, he would give them the Joe Mose place?

A He says he don't know anything about it; don't know anything about George telling him that.

October 28, 1899.

By Mr. Dawes: Introduced in evidence Acts and Resolutions of the Session of 1895, as follows:

\*COMMITTEE REPORT.

Oklahagee, I. T., June 8, 1895.

Hon. National Council, H. K.,

Gentlemen:-

We, your committee of eighteen, appointed to consider and correct the census rolls of the several towns, as handed in by the Town Chiefs, have examined and corrected the forty-seven rolls. The aggregate number on the rolls is 13,841. The number enrolled which were stricken from the rolls by the Committee as doubtful is 619.

Having completed the work assigned us, we submit this report and asking that the report be adopted and committee discharged.

Respectfully,

H. J. Smith, Chairman

Mildred McIntosh, Clerk.

Approved June 8, 1895.

NUMBER OF MEMBERS TO BE ELECTED FROM EACH TOWN.

Be it enacted by the National Council of the Muskogee Nation in extraordinary session assembled: That each town of the Muskogee Nation is hereby required and instructed to base its next general election in September, 1895, for members of the National Council, upon the number of citizens as shown by the census reported by the committee of eighteen to the Council on June 8th, 1895, which is to say, for--

No.	Town Name	Citizens	K.	W.
1				
1	Coweta	558	1	3
2	Tuckabache	793	1	4
3	Oussehta	441	1	3
4	Buchee	590	1	3
5	Tuskegee	481	1	3
6	Broken Arrow	349	1	2
7	L. R. Tulsa	380	1	2
8	Oceogufkee	240	1	2



No.	Name	Citizen	K.	W.
9	Keshopatake	306	1	2
10	Thlopthlocco	309	1	2
11	Hickory Ground	343	1	2
12	Mufaula, Candn.	244	1	2
13	Kailigeo	219	1	2
14	Muyarker	208	1	2
15	Lookapoka	214	1	2
16	Thlewahle	199	1	1
17	Tulsa, Candn.	163	1	1
18	Arpehka, N.P.	125	1	1
19	Green Leaf	114	1	1
20	Fish Pond	163	1	1
21	Ohayarha	163	1	1
22	Hitchetee	196	1	1
23	Lukontulahasse	105	1	1
24	Hellaba	105	1	1
25	Artusoe	145	1	1
26	Alabama	166	1	1
27	Big Spring	138	1	1
28	Mufaula D.P.	137	1	1
29	Quassarte No. 1	76	1	1
30	Quassarte No. 2	46	1	1
31	Tokpafka	83	1	1
32	Arbekochee	98	1	1
33	Tulwathlocco	164	1	1
34	Okfuske, Candn.	116	1	1
35	Conchurta	189	1	1
36	Weweka	87	1	1
37	Okchiye	183	1	1
38	Tulahassoche	58	1	1
39	Okfuske D. P.	85	1	1
40	Hutchuppa	187	1	1
41	Tulmochusses	94	1	1
42	Arpehka, D. P.	127	1	1
43	Osehhee	75	1	1
44	Tuladegee	139	1	1
45	Arkansas, Colored	1934	1	10
46	Canadian, Colored	1440	1	8
47	North Fork, Colored	1029	1	6

--until some further enumeration shall necessitate  
a different apportionment.  
Approved June 8, 1895."



By Mr. Duval: Introduced in Evidence on part of the Creek Nation, extract from Acts and Resolutions of the Session of 1895, as follows:

"CITIZENSHIP COMMISSION

Whereas, the opinion prevails throughout the country that a large number of non-citizens have been enrolled as citizens of the different census rolls that have been made from time to time in the past; and,

Whereas, It is currently asserted, and believed by many, that a large number of claimants who have heretofore appeared before the committee of the National council on citizenship and other authorities of the Nation and established or obtained recognition of their claim to citizenship by the Nation, accomplished the same by the undue use of money and other fraudulent means; and,

Whereas, in all former actions involving the question of the citizenship of any person in the Muskogee Nation this Nation had no representative to appear as attorney to defend her interest in that behalf; therefore,

Be it enacted by the National Council of the Muskogee Nation in Extraordinary Session Assembled: That a commission, to be styled "The Citizenship Commission," to be composed of five(5) of the most competent citizens of this Nation, be and is hereby created whose duty it shall be to sit as a high court and try, determine and settle all and only such causes as shall involve the question of the right of citizenship of any person in the Muskogee Nation that shall be presented to it, either by claimant or the duly authorized representative of the Nation, as hereinafter provided for.

The members of the Commission shall be elected by the present session of the council, and shall meet as soon as practicable after their appointment and organize by electing one of their number President and employing one competent interpreter and two(2) well qualified clerks. One clerk will take charge of all census rolls submitted to the Commission, read and compare them with other collateral matter that shall be presented for that purpose, and shall keep a list of all such matters and documents, and stand responsible for their due preservation. One of the clerks shall preserve a docket and number of all cases and carefully and correctly record all such testimony of witnesses as the Commission shall deem worthy of record; shall carefully and correctly and in due form record all findings of facts and decisions of the Commission, issue all subpoenas, summons and calls for persons or papers ordered by it. When organized as provided, the Commission shall give public notice through all the newspapers published in the Nation of the time and place of its meeting at least thirty(30) days previous to such meeting. Its sessions shall be held in the Council house at Okmulgee, the first of which shall be on the second Tuesday of July, 1895.

They may adjourn and meet from time to time, as the interests of their business may seem to warrant, and the presence of a majority shall be sufficient for the lawful transaction of business. They shall have full authority to summon witnesses and call for persons and papers and do all other things necessary and proper to show all the facts in any case that may come before it and in summoning witnesses the process shall be by notifying the Judges of the several Districts, when he shall in turn subpoena the witnesses desired through their lighthorsemen. All witnesses subpoenaed on part of the nation shall be paid by the nation the same per diem and mileage as paid to witnesses appearing before the district courts in criminal cases; and the Commission shall issue certificates of indebtedness, attested by the signatures of the President and recording clerk, and the National Council, at its next regular session, make appropriation to cover such witness fees.

Be it further enacted: That all persons who shall appear before the Commission claiming citizenship in the Muskogee Nation/ and all others whose names now appear as citizens on any of the census rolls taken at any time, or on any of the public records of the nation, the validity of whose citizenship shall in good faith be questioned by any responsible citizen, shall be plaintiffs and entitled to the right of counsel and to all other rights usual and incident to the trial of a cause in a court of justice in this Nation. They shall file written allegations before the Commission, setting forth clearly the grounds of their claim and the names of the witnesses they desire to have subpoenaed in their behalf, and shall file a bond satisfactory to the President of the Commission that they will themselves pay their witnesses the same per diem and mileage as paid to the witnesses on part of the Nation. And when such allegations and witness bond are properly filed, then the Commission shall subpoena the witnesses for the claimants in the same manner as witnesses for the nation are subpoenaed; and if any witness, being a Muskogee citizen, shall refuse to obey any subpoena of the Commission/ or to appear before it when duly summoned, except in case of sickness or other unavoidable hindrance, he shall be fined twenty-five (\$25.00) dollars, and no property except improvements, house furniture and wearing apparel shall be exempt from seizure and forced sale to satisfy said fine. The President of the Commission shall have authority to administer oath, and any witness testifying falsely under said oath, shall be subject to the same pains and penalties prescribed by the Muskogee law for the crime of perjury; and when the attorney for the nation shall become satisfied that any citizen has sworn falsely in any cause before the Commission he shall promptly report the same to the District Attorney of Okmulgee district, together with such facts as he may have to justify criminal proceedings, and the district attorney shall, without unnecessary delay, proceed to arraign and try the accused in the court of his district for the crime of perjury.

Be it further enacted: That in the examina-

tion and adjudication of the claims of negroes to citizenship in the Muskogee Nation the provisions of the treaty of 1866 with the United States shall govern, and the subsequent acts of adoption passed by the National Council shall govern, and in cases of claim to citizenship by reason of Indian blood the act of the National council as appears in sections 295 to 298 inclusive, of the Muskogee laws, edition 1893, shall govern; and when any case shall be decided in favor of any person by the commission the plaintiff shall ever afterwards be a full citizen and accorded all the rights of any other citizen. And in any enumeration hereafter to be made of the citizens of the nation, any person applying for registration, against whose citizenship any question may arise, shall be required to trace his or her origin to the rolls of the names of citizens to be prepared under this act.

Be it further enacted: That the principal chief shall nominate, with the five commissioners herein provided for, one competent attorney, who shall be well versed in the treaties, compacts and laws of the Muskogee Nation, who shall be confirmed by the council. His duty shall be to defend the nation in all cases of claims to citizenship therein which may be filed before the commission, to the end that no fraudulent claims may be passed by said tribunal. He shall diligently inquire into all cases of suspected fraud in the enrollment of citizens at any time; and if he shall have cause to believe that any person whose name appears on any census roll of any alleged citizen of the nation, or that any person has heretofore proved his or her rights through fraudulent means, he shall give them due notice and shall move that their names be stricken from the rolls until they shall re-establish their rights through competent testimony to the satisfaction of the Commission. All census before this tribunal shall be decided by vote, and a majority vote shall stand and be the final decision of that body. All points of law contested before the Commission shall be decided in like manner and have the same force and effect as if decided by any other competent court.

Be it further enacted: That each Commissioner interpreter, clerk, and the attorney for the nation, shall receive a per diem of four (\$4.00) dollars during the time they are engaged in the business herein prescribed, together with mileage at the rate of 10 cents per mile in going to and returning from their sessions.

Be it further enacted: That two thousand and five hundred dollars (\$2,500.00) dollars, or so much thereof as may be necessary, be, and is hereby, appropriated for the payment of per diem and mileage of members, interpreter and clerks of the Commission, to be issued in warrants by the Principal Chief upon certificates issued by the President of the Commission. Approved May 30, 1893.

Also introduced in Evidence on the part of the Creek Nation extract from the Acts and Resolutions of the Sessions of 1896, as follows:

**"AMENDMENT TO CITIZENSHIP COMMISSION ACT.**

Section 1. Be it enacted by the National Council of the Muskegee Nation: That the Act creating the Citizenship commission found on page 6 of the Acts and Resolutions of the Creek Councils of 1896, be so amended as to read: "They shall have a thority to summon witnesses and call for persons and papers and do all things necessary and proper to show all the facts in any case that may come before it."

Sec. 2. Be it further enacted: That it shall be the duty of the Commission to employ two citizens of the Muskegee Nation to act as Light Horsemen or Messengers of said Court, and for their services they shall receive \$2.00 per day during actual service. They shall be sworn in by the President of the said court, and commissioned by the principal Chief.

Sec. 3 : Be it further enacted: That the Citizenship Commission shall complete its work by September 30, 1896.

Approved August 7, 1896.

**"REPEALING PART OF CITIZENSHIP COMMISSION ACT.**

Sec. 4. Be it enacted by the National Council of the Muskegee Nation: That so much of the law creating and defining the duties of the Commission on citizenship as authorize said Commission to receive, investigate and determine the rights of applicants for citizenship, be and is hereby repealed, and said Commission is hereby estopped from passing upon any more applications for citizenship.

Sec. 5. Be it further enacted: That nothing herein contained shall be construed to interfere with or in any way modify the rights of said Commission under the law to examine the census rolls as corrected and submitted to it by the members of Council, under an act of the National Council, approved August 10, 1896.

Sec. 6. Be it further enacted: That the Commission on Citizenship be further continued in office with full authority to act as specially directed in second section of this act, and shall so continue until their work is completed.

Approved October 14, 1896.

Roly McIntosh, Acting Prin. Chief.

TESTIMONY ON PART OF MRS. NORMAN.

Mrs. Rosa Alabama Norman sworn on her own behalf.  
By Mr. Daves:

- Q Mrs. Norman, state your name, age, residence and citizenship?  
A Rosa Alabama Norman, 53 years old; I live at Sepulpa, in the Creek Nation; I am a Creek I reckon
- Q You have been recognized as a Creek?  
A I suppose so; I was called so, and my Dave Carr was related to me. The light horse ordered me in, and I came in, and coming in I took a chill; Dave Carr took me in, and he thought maybe I would be better after dinner and--
- Q You have been recognized as a citizen of the Creek Nation?  
A I thought I was
- Q Have you drawn money from the Creek Nation? A Yes sir.
- Q How many times? A Twice, the \$29 and \$14 payments.
- Q For yourself and children? A Yes sir. Gregory drew for me himself
- Q Are you related to the first wife of your husband? A Yes
- Q What is the relation?  
A Own sisters; same father and same mother.
- Q What was your maiden name? A Killam.
- Q Do you remember the marriage of your sister to Killam?  
A Yes, I do, when I was very small; guess I was about 12 years old.
- Q You was present at that marriage? A Yes sir.
- Q Where were your folks living at that time?  
A Mt. Pleasant, Ala.
- Q How long did your sister and Norman remain there?  
A He was selling sewing machines in that country, and he took pictures, and it was about 5 years before they went to housekeeping, within half a mile of my mothers.
- Q About how long did they remain in that locality before they moved away after their marriage?  
A They staid there and kept house--I don't know; they had two children.
- Q Before they left? A Yes, a boy and a girl.
- Q Did you ever see your sister after she left there? A Yes.
- Q Where? A She came back to see us.
- Q What was her name? A Nervall Carolina Killam.
- Q Do you know how long it was before she visited there?  
A The boy Percy was about 2 years old.
- Q They had not at that time moved to Indian Territory? A No.
- Q Is your mother living yet? A Yes.
- Q Where does she live now? A On the line between Florida and Ala.
- Q What is the postoffice? A Flomaton, Ala.
- Q Did you see your sister again after she visited your folks there?  
A No, I never saw her.
- Q After that time when did you first see Norman?  
A When he came out in the Territory in 1883.
- Q Your sister was not living then? A No, she died the july before.
- Q When did you and Norman marry, and where?  
A At Dave Daves house in 1884; I came out in 1884.
- Q Examine this paper and see if you recognize it, and tell me where it came from?  
A Yes, I recognize it; know all about it.
- Q Where did you get it? A It is a record from the bible.
- Q What bible? A Mr. Norman's bible.
- Q Leaf from the records of your family bible your husbands' bible?  
A Yes, copied from my mother's bible.



Q When and by whom was it copied?

A By Mr. Norman, my husband; he copied it. I suppose if I had time, I could have got it from home; they would have sent it to me from home.

Offered in evidence, marked Exhibit C.,

Objected to by Mr. Duvall, as being unauthenticated.

By Mr. Bixby: You don't know he copied this of your own knowledge?

A Yes, I can swear to it.

Q Did you see him?

A Yes, when Clemmie Sangers was a little bit of a thing; and a little brother died in the house.

Objection over ruled. Copy of Certificated admitted in evidence.

Q You spoke of having been notified by the "light horse" to appear and do something towards your children. When was that? After your marriage?

A I couldn't tell exactly; it was soon afterwards, in a short time, in the same year

Q And because of your illness you could not go?

A Norman and Dave Carr and Billy Henderson went instead.

Q From that time on until this year have you had any trouble at all with the Creek authorities with reference to your citizenship?

A No, none at all.

Q And when the payments were made you and your children got your money the same as the other citizens? A Yes sir.

Q The other day when Mrs. Sanger was testifying in this case, she said shortly after your marriage your husband requested you to go with him to settle the matter, and you refused to go?

A No, I didn't.

Q State what you did?

A I never knew any time only the time when I was ordered in and I came in.

Q You say you didn't refuse to go? A No, I never did.

Q You stated that you got sick, and couldn't go any further?

A Yes sir.

#### CROSS EXAMINATION.

By Mr. Duval.

Q When you came to the Territory, where did you first come?

A To Mr. Normans on Snake river.

Q You came direct to him? A Yes sir.

Q What time of the year? A About 1st of Dec., 1883, I guess.

Q You knew before you came your sister was dead?

A Yes, of course he wrote back home.

Q Where were you living when you was informed of the death of your sister? A I was living at Pensacola Junction on the Mobile and Penn.R.R., on the line of Alabama and Florida.

Q How long had you been living there? A Two years.

Q Where had you lived before that? A Monroe County, Ala.

Q Where you were raised? A Yes sir.

Q When were you married first? A It is on record.

Q I am asking you? I want your memory? A About 32 years ago.

Q Where were you married? A At my father's house in Alabama.

Q Was that your first marriage? A Yes sir.

Q What was your husband's name? A Mr. Brown.



- Q Any other name? A Michael Hoke Brown.
- Q It says in this paper here (Exhibit C), this entry, Alabama Kallum and Mr. Brown were married November, 1876. Why was his name not put down in full?
- A I guess Mr. Norman didn't know the name.
- Q As I understand you to say, this was a copy from the records?
- A Well, it is copied from the records.
- Q Then the name don't appear on the records in full; it is only Mr. Brown. How long were you here before you married Mr. Norman?
- A I came out here in December and we married in January.
- Q Was there any contract or agreement of marriage between you before you came? A No sir.
- Q What was your object in coming?
- A I thought I had a right here in the territory; they wrote me that I had a right; I was left a widow with two children
- Q You say "they"? Who?
- A Brother Dr. Edward Kellum; he is dead now.
- Q Was he alive at the time you came? A Yes sir.
- Q Did you stop at his house? A Yes sir.
- Q How long did you stay there? A I guess I staid a day.
- Q When did you first see Mr. Norman? A He met me at Muskogee.
- Q You went home with him did you? A Yes, that was my intention when I came.
- Q To go to his house? A Yes sir.
- Q When you was married to Mr. Norman, you was married in Okmulgee?
- A Yes, in Dave Carr's house.
- Q Who performed the marriage ceremony?
- A A Methodist preacher; a white man.
- Q Do you know his name? A No, I have forgotten it.
- Q Was any of the members of Mr. Norman's family present at the time of your marriage? A No sir.
- Q Where was his family? A He had two daughters at Wealaka at the mission going to school; Mrs. Gregory and Mrs. Sanger.
- Q Had you seen them before you married their father?
- A Yes, I visited them one Christmas; went to the mission.
- Q Did he inform them that you were going to get married?
- A I don't know what he did. I didn't. There was nothing said at that time about marrying.
- Q There was no agreement at that time between you? to marry?
- A No sir.
- Q You were married a very short time afterwards? A Yes sir.
- Q How long? A It was in January.
- Q Within a month anyway? A Yes sir.
- Q You have no actual or personal knowledge in regard to what action your husband and Mr. Carr took in reference to your citizenship when you were summoned in by the light horse?
- A No, only what they told me.
- Q How long did you live at Snake Creek after that?
- A A year or two.
- Q What town do you belong to? A Hickory Ground.
- Q Do you still belong to that town? A Yes sir.
- Q Have you been transferred to Euchee town
- A Yes, Mr. Gregory got Francis to transfer us; he had charge of it.
- Q You say you don't know anything personally in regard to the transfer; you don't know you were transferred at all, personally?
- A No, only what I have been told.
- Q How long has your husband been dead? A He died the 8th of last December.

- Q Where did he die? A At his house near Sepulpa--5 miles from Sepulpa.
- Q What direction from Sepulpa is it? A I don't know.
- Q You don't live on the ranch yourself, do you?
- A No, I can't stay by myself.
- Q You make your home in Sepulpa? Do you keep house? A No.
- Q Who do you live with? A With my daughter part of the time; the one in Sepulpa part of the time and the one in the country.
- Q Who are they? A Mrs. Powell in Sepulpa, and Mrs. Warren in the country.
- Q When you moved from Monroe county to Pensacola Junction, was that the first time you left your home there?
- A Yes sir.
- Q What was the occupation of your husband, Mr. Brown?
- A He was clerking for a judge in Selma, Ala., where we were married.
- Q You didn't live in the same county you were raised in?
- A No sir.
- Q How far is it?
- A I don't know; we traveled by steamboat; its a day and night travel on a steam boat.
- Q How long did you live at Selma? A Two or three years.
- Q And then where did you move? A Back to Clearborn where my mother lived.
- Q Where did your husband die? A He was killed.
- Q Where was he killed? A He was killed between old Clearborn and Evergreen, Ala.
- Q Was that after you moved back to Selma?
- A Yes, I was sick at my mothers, at the birth of my second child.
- Q You were living at your mothers sick at the time your husband was killed? A Yes sir.
- Q When was that?; my youngest daughter was about 5 days old; her brother is on that record.
- Q How old is she now? A She is 19 I think.
- Q That would be 19 years ago?
- A That would be 19 years ago, 1880; that was before I went to Pensacola Junction.
- Q You was a widow when you went there? A Yes sir.
- Q What did you do at Pensacola Junction?
- A I didn't do anything only live with my children mother.
- Q Did your mother live there? A Pensacola Junc.? Yes.
- Q I understood you to give another postoffice address.
- A Plamatin is the postoffice.
- Q What members of the family, if any, are living with your mother at this time?
- A My mother, and my sister, Mrs. Hope; she is a widow lady.
- Q None of them have ever come out here and applied for citizenship?
- A No, none back home ever have; only my oldest sister; she came but only staid three weeks, and didn't try.
- Q Before your sister died, were you in correspondence with her or her family? A Yes sir.
- Q And you knew of her sickness, did you?
- A I knew of her bad health.
- Q You never came until after you heard of her death? A No sir.
- Q Then when you came, you came with the purpose of going to her husband's house? A Yes sir.
- Q I understood you to say your mother lives on the line, or near the line between Florida and Alabama. A Yes sir.
- Q Do you know what county she lives in? A No, I don't.
- Q Are there any of your people living back in Monroe county where you were born? A Yes, we have an uncle; none of my family.
- Q What is his name? A John D. Weatherford, nephew of the old Chief Weatherford; you asked me what county; it is Escambia county, where my mother lives.

By Mr. Bixby- What state is that in?

A It is right on the line, what they call the old

Q Is there any part of this paper that is not in the hand writing of Mr. Norman? A No, that is his hand writing.

Q Mr. Gregory you say drew one of the payments for you?

A Yes, the \$14 payment.

Q Who drew the \$29 payment? A I did.

Q Where was that payment made? A Okmulgee, here.

REDIRECT EXAMINATION.

By Mr. Dawes:-

Defendant offers in evidence the authenticated roll of the Creek Nation of 1890, on page 126, and asks that the names of Alabama Norman, Sanny C. Brown and Rena Brown be copied in this record.

By Mr. Duval:

The entry of the family is separated. The names of Carrie E. Gregory and Clemmie Sanger, or Clarince Sanger, are on page 125, and the other names are on page 126, separated by a good many names.

Case continued until November 15, 1899, at Muskogee, Ind. Ter.

C O P Y .

DEPARTMENT OF THE INTERIOR.  
COMMISSION TO THE FIVE CIVILIZED TRIBES  
MUSKOGEE LAND OFFICE.

In the matter of the protest of the Creek Nation :  
against the enrollment of Mrs. Rosa Alabama : No.  
Norman et al. as citizens of the Creek Nation. :  
-----:

Now comes the plaintiffs herein and moves the court to set aside its former judgment herein rendered and grant them a new trial of this cause. Because they say that this proceeding to oust them out of their citizenship was instigated and instituted by Nora Gregory and Sanger, who are related by affinity to these plaintiffs, and that the said Gregory and Sanger made false and untrue statements in the trial of this cause which statements were calculated to, and did surprise these plaintiffs when this cause was tried, which these plaintiffs by the exercise of ordinary prudence could not at the time have guarded against, and because they say that great injustice was done them upon the former trial of this cause, in this that Noah Gregory and Sanger who are relatives by affinity and consanguinity to these plaintiffs, denied on oath the relationship and also the fact that these plaintiffs were regularly enrolled citizens of the Creek Nation, and tribe of Indians, which testimony was wholly unlooked for by these plaintiffs and was a great surprise to the plaintiffs and was wholly false and untrue, but these plaintiffs were at the time unprepared to rebut said testimony so given by said Gregory and Sanger. And that the plaintiffs could not have reasonably anticipated said testimony and could not with reasonable diligence have discovered and produced testimony upon said trial to rebut the testimony of the said Gregory and Sanger. That the plaintiff Rosa Alabama Norman is a full sister to Caroline Norval Norman, who was the first wife of W. G. Norman, and that she the plaintiff Rosa Alabama Brown (nee Rose Alabama Killam) married the said W. G. Norman in January 1884 after the death of the said first wife of the said W. G. Norman, who was the full sister of the said plaintiff Rosa Alabama Norman, and that she and the other plaintiffs herein and the said Caroline Norval Norman, are Creek citizens by blood, and that the plaintiffs were long prior to the establishment of this Honorable Commission regularly enrolled upon the Creek roll of citizenship and have drawn their annuities heretofore which facts were well known to the said Noah Gregory and Sanger, and these plaintiffs did not think the said Gregory and Sanger would swear and make such false statements as they did upon the trial of this cause which statements so made by them under oath greatly surprised the plaintiffs, and worked them a great injustice and wrong.

That since the former trial of this cause they have discovered and obtained new and material testimony in their behalf, to-wit: the testimony of C. M. Killam and Mittie Martin to the fact that the said Caroline Norval Norman, and Rose Alabama Norman were both full sisters to each other and were of the Creek blood of Indians. That she files the affidavits of said Killam and Martin herewith marked Exhibit A and B. respectively. And that if a new trial be granted these plaintiffs they will establish by good and sufficient testimony their relationship of Creek blood, and right to be enrolled upon the Creek roll of citizenship and to share in the distribution of the funds and property of the Creek Nation, and also the fact of their enrollment previous to the year 1896, and consequently their rights as Creek citizens.

Wherefore, plaintiffs pray that they may be granted a new trial hereof to the end that right and justice may prevail.

Eck E. Brook

Attorneys for Plaintiffs.

This is to certify that true copy of within motion was served upon us.

DEPARTMENT OF THE INTERIOR.  
COMMISSION TO THE FIVE CIVILIZED TRIBES.  
Okmulgee, Indian Territory, May 8, 1901.

In the matter of the application for rehearing in the protest of  
the Creek Nation against the enrollment of Rosa Alabama Norman et al,  
as citizens of the Creek Nation.

-----o-----

By the Commission:

E. E. Brock, Esq., in behalf of Rosa Alabama Norman et al, offers  
the affidavit of William Fisher in support of the motion for rehearing  
herein in lieu of the affidavits of C. M. Killam and Mittie Martin  
mentioned in the motion to set aside judgment heretofore filed, and  
which were never presented to this Commission.

-----o-----

C O P Y .

Creek Nation :  
Indian Territory :  
Northern District :

Before me the undersigned authority, personally came Wm. Fisher, who being by me duly sworn, deposes and says:- My name is William Fisher; I am 71 years old and have lived in the Creek Nation for the past 54 years; I am a Creek citizen by blood and am so recognized by the Creek people; I lived in Clark county, Alabama, until the age of 15, in Miss. one year, and then moved to the Indian Territory, Choctaw Nation and lived there two years. While I lived in said county, Alabama, I was a near neighbor to Mrs. C. M. Killam and was well acquainted with her and her family for many years. Mrs. C. M. Killam is the mother of ten or eleven children, among the number was Ed Killam, Caroline Norval Killam and Rosa Alabama Killam. Caroline N. Killam married a Mr. W. G. Norman and many years ago moved to the Creek Nation I. T. Dr. Ed Killam also came to the Creek Nation I. T. many years ago, and located and died at Muskogee, I. T. Mrs. Caroline Norval Killam died in the Creek Nation in the latter part of the year 1883. Rosa Alabama Killam married in Alabama to a Mr. Brown, who died in 1884. Rosa Alabama Brown (nee Rosa A. Killam) came to the Creek Nation, I. T. and married Mr. W. G. Norman, the husband of Coraline Norval Norman, and has lived in this country ever since that time. Dr. Ed Killam, Coraline Norval and Rosa Alabama Norman were full brothers and sisters and were the children of Mrs. C. M. Killam and all of them are Creek Indians by blood. I was a member of the Creek Council in the Indian Territory for eight years and was a member of said council, and was present when Mrs. Rosa Alabama Norman and her children were enrolled as Creek citizens. They were regularly and properly enrolled as Creek citizens and their enrollment was duly considered and passed upon by the Creek council and they have ever since said enrollment been recognized and accepted as Creek citizens.

Wm Fisher

Sworn to and subscribed before me on this the 27 day of April, 1901.  
Ben D. Gross  
My Commission expires Jan 16, 1904. Notary Public.



In the Northern District of the Indian Territory,  
before the Honorable Peter Commission appearance, whose  
to the Five Civilized Tribes of Indians, once recognized  
in the matter of the Creek Nation, Contestant of the right  
of citizenship of Mrs. Rose Alabama Norman, and Samsey and  
Brown, her children.  
It is also this Honorable Commission, in the be-  
ginning of my remarks, in behalf of these respondents, I should  
say that we esteem it a peculiar good fortune that our cause  
should be heard and determined by those who are by wisdom, pro-  
bity and experience so prominently qualified to prove this whole  
matter to the core, and to want out justice, as justice should be  
done to these people, whose blood kin were seeking to wrongfully  
deprive them of their just inheritance, and while I do not think  
it necessary to go into an extended argument in this matter, yet  
I do desire to make a few remarks and to call the attention of  
this Honorable Commission to some features that naturally present  
themselves even a casual view of the evidence submitted in  
this case. Permit me to say that I will take it for granted  
that this Commission is fully satisfied from the evidence sub-  
mitted to you in this case, that the respondents are of the  
Creek Tribe and of the relationship existing between  
Carol in Norman and Mrs. Rose A. Norman, and of the res-  
idence of the respondents in the Indian Territory and within con-  
the bounds of the Creek Nation, since the latter part of the year  
1883, and also of the fact of the early enrollment of these res-  
pondents as citizens of the Creek Nation, and in recognition  
as such citizens, by the supreme authority of the land for long  
years, in which the people resided in the quiet satisfaction and  
knowledge of the fact that they dwelt upon their own happy  
hunting grounds, in the midst of their own tribe, surrounded by  
their own kindred, and directed and inspired by the Great Spirit  
of the Creek people, unsuspecting that an evil spirit lurked in

POOR ORIGINAL -  
BEST AVAILABLE COPY

the quiet of their home circle. But alas, in the midst of  
peace and security, the Apostle Peter put in an appearance, whose  
hidden mission is wont to disturb the quiet of the once recognized  
and happy citizen, and deprive these people of their birthright.

Regarding these facts as established to your satisfaction,  
I have no objection to the same being taken into consideration of  
the Court. The same, however, is not to be taken into consideration  
until the Court has decided upon the same.

I have no objection to the same being taken into consideration  
until the Court has decided upon the same. I have no objection to the  
same being taken into consideration until the Court has decided upon the  
same.

The presence of J. G. Norman, the husband of Mrs. Rosa  
Albion Norman, one of the respondents, and that subsequently the  
same was shown to be an authenticated roll of the citizens of the  
same.

The same was proved for fifteen years or more, but it  
was not a matter of record in enrollment was irregular.  
The same, please your Honor, is sought to be established.

*Dr. Hove* The same, we submit that the roll  
was not a matter of record in enrollment was irregular.  
The same, please your Honor, is sought to be established.

The same, please your Honor, is sought to be established.  
The same, please your Honor, is sought to be established.

The same, please your Honor, is sought to be established.  
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The same, please your Honor, is sought to be established.  
The same, please your Honor, is sought to be established.

The same, please your Honor, is sought to be established.  
The same, please your Honor, is sought to be established.

the Council or sustained by it. Again, if we grant that these people were fraudulently or irregularly enrolled in 1880 it is not shown that any or either of them were party to the fraud or irregularity. They are not justly to be made to suffer by such irregularities.

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...ing

Subject of this investigation

July 1st - 1941 - 1st day of migration and *Carroll County*

...all the lots presented, in the absence of  
any other evidence, and in the absence of any other  
evidence, the Court will permit such to be

...prayer to the case be re-opened  
...at be entered sus-  
...and relief

1991

[illegible]

2000

-----  
 In the matter of the motion :  
 for a new trial in the case of :  
 Rose Alabama Norman, et al. :  
 -----

Pleasant Porter, being first duly sworn, testified as follows :--

- Q You are the Chief of the Creek Nation, Gen. Porter?
- A Yes.
- Q You are a Creek citizen by blood? A. Yes.
- Q Are you acquainted with Rose Alabama Norman? A. Yes, I have seen her, years ago.
- Q You are acquainted with that family? A. I knew the former Mrs. Norman and Dr. Killan.
- Q. When did you first get acquainted with Mrs. Rose Alabama Norman? and Dr. Ed Killan. A. I don't remember; I knew Killan for thirty years, twenty-five or thirty years ago; he moved into this country in the neighborhood and then went to Okmulgee and from there here. Mr s. Norman, I think I was acquainted with her for six or seven years, just what time I don't know. She died at the Norman place on Snake Creek. This later Mrs. Norman I don't know that she was a sister at all. I simply knew that Mr. Norman sent for her and he said that she was his wife's sister and came to take care of his children, and some time afterwards, within a year's time, I saw them--he was on my road to Okmulgee and I passed there, and saw her after he had married her, that is he told me they were married. I don't know personally that they were sisters---I just got Norman's word for that.
- Q Gen. Porter were you acquainted with Mrs. Caroline Norman, his first wife? A. I said that at first.

- Q. Was she a regularly enrolled citizen of the Creek Nation?  
A. Yes.
- Q. All that you know in regard to the citizenship of the second Mrs. Norman is what Mr. Norman told you? A. All I know about it was not in relation to citizenship at all. Just that she was his wife's sister. As to whether she was ever a recognized citizen, I don't know.
- Q. You know that the family were considered citizens of the Creek Nation? A. Yes. Mrs. Norman's family were; his wife and two daughters. He was at my place quite a number of times about this.
- Q. Did you know Mr. Ed. Killan? A. Yes.
- Q. Was he a recognized citizen of the Creek Nation? A. Yes he lived in Muskogee for years.
- Q. Do you know whether he died here? A. I think he did. He left a daughter here, I don't know what became of her. She was a recognized citizen.
- 

Gertrude Hanna having been duly sworn, upon her oath states that as stenographer to the Commission to the Five Civilized Tribes she reported the testimony of the above named witnesses at Muskogee, Indian Territory, April 29, 1901 and that the foregoing transcript is a true and complete transcript of all the evidence submitted by said witness in the above case.

*Gertrude Hanna*

Subscribed in my presence and sworn to before me this 29 th day of April, A.D. 1901.

  
Acting Chairman.

DEPARTMENT OF THE INTERIOR,  
COMMISSION TO THE FIVE CIVILIZED TRIBES,  
Okmulgee, Indian Territory, May 8, 1901.

In the matter of the application for a re-hearing in the pretest of the Creek Nation against the enrollment of Rosa Alabama Norman et al, as citizens of the Creek Nation.

A p p e a r a n c e s :

For the Applicant: E. E. Brook, Esq.,

For the Creek Nation: A. P. McKellop Esq, and H. G. Reed.

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Roley McIntosh being first duly sworn testified as follows:

Examination by the Commission:

- Q What is your name? A Roley McIntosh.  
Q How old are you? A I don't know; about 60 years.  
Q What is your postoffice address? A Fame, Indian Territory.  
Q Do you know Rosa Alabama Norman, the applicant in this case?  
A I don't know her.  
Q Do you know whether or not she has been recognized by the tribal authorities of the Creek nation as a citizen of the Creek nation?  
A I don't know; may be; I have forgotten it myself. I don't know.  
Q If her name appears upon the rolls of the Creek nation, would you have any knowledge as to how it was placed on them? A I don't know.

Examination by Mr. Brook.

- Q Were you a member of the Creek council in the years 1884-5 when William Fisher served as a member of the council? A I have been a member of the House of Kings and of the House of Warriors; I may have been at that time, but I don't know.  
Q Do you know of your own knowledge whether or not you were a member during 1884-5? A I don't know; I have forgotten it; may be.  
Q Was you a member of the House of Warriors or of the House of Kings when Ward Coachman was Chief of the Nation?  
A I was a member of the House of Kings about two years.  
Q Are they elected for two or four years? A Two.  
Q How long was Ward Coachman Chief? A 3 years.  
Q If Mrs. Rosa Alabama Noorman's name was placed on the card of Creek citizenship was it through any chicanery----at that time was it customary for the Creek court---

By the Commission: You cannot go into that question at this time; this witness' supposition as to whether or not applicant was admitted by chicanery or fraud or anything of that kind, is not admissible at this time.

By Mr. Brook: We ask at this time that the records be introduced to show that Roley McIntosh was a member of the council in the year 1884-5.

Over ruled:

Exception by attorney for applicant.

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G. W. Grayson being first duly sworn testified as follows:

By the Commission:

- Q What is your name? A G. W. Grayson.  
Q What is your age? A 57 years.  
Q What is your postoffice address? A Bufaula, Indian Territory.



2-R.A.Norman.

- Q Are you a citizen of the Creek Nation? A Yes sir.  
Q Do you know Rosa Alabama Norman? A I do not.  
Q Do you know the family of which she claims to be a member? A I do not.  
Q Do you know whether or not she had ever been recognized by the tribal authorities of the Creek nation as a citizen of the Creek Nation? A Personally I do not; of course I have heard though, that she was, but I have known nothing about it.  
Q If her name is found upon the Creek rolls would you have any personal knowledge as to the manner in which it was placed there or by what authority? A No sir.

By Mr. Brook. I wanted to introduce Mr. Grayson and you have introduced him first; my examination would then be cross examination; he is your witness.

By the Commission: It would not be cross examination; this is only preliminary; anything additional that is directly in support of your application for rehearing, you may ask the questions.

By Mr. Brook: What is your contention in regard to that motion?

By the Commission: Your allegation here is that you "have discovered new and material testimony in behalf of Rosa Alabama Norman and other applicants in this case, to the fact that the said Carolina Norman and Rosa Alabama Norman were both full sisters to each other and were of the Creek blood of Indians."

Examination by Mr. Brook:

- Q Were you a member at that time in 1884-5 of the House? A I can't tell you; I might have been a member but I don't recollect.  
Q Did you serve during the period of Ward Coachman's time? A I don't remember; I might have been treasurer or possibly a member of the house.  
Q Did you know Dr. Ed. Killam? A Yes sir.  
Q Was you a member of the house of warriors when he was admitted? A I am not sure; I was connected with the government in some way.  
Q Was it your understanding that Mrs. Norman and Ed. Killam were brother and sister? A I only remember to have understood that they were related;; what relationship subsisted I don't know.

Examination by the Commission:

- Q Do you know of your own personal knowledge anything of the relationship existing between those people? A I do not.  
Q When you say it was your understanding, do you mean you heard it reported or rumored or what? A Dr. Killam was related to Mr. Carr, who lived in this town. Mr. Carr was distantly related to me and in that way I know a little something about Dr. Killam, and I understood that Dr. Killam and Mrs. Norman were related.

Examination by Mr. McKellop on behalf of the Creek Nation.

- Q Mr. Grayson, was you acquainted with the first Mrs. Norman?  
A I have no acquaintance with any of the Normans.  
Q Was you acquainted with the second Mrs. Norman? A No, I don't know any of them personally.

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Mrs. Rosa Alabama Norman, being first duly sworn, testified as follows:

Examination by Mr. Brook:

- Q State your name? A Rosa Alabama Norman.  
Q Where do you live? A Checotah, with my son-in-law.  
Q You are the applicant in this case before the Commission for citizenship are you? A Yes sir.

S-R.A. Norman.

- Q You appeared before the Commission before, did you? A Yes sir.  
Q You was rejected? A Yes, there was a complaint filed against me  
Q By whom? A By Mr. Norman's two girls and his two sons, Mr.  
Gregory and Mr Sanger.  
Q At the time they filed this complaint did you know anything about  
the testimony of Mr. Fisher? A No Sir.  
Q Then the testimony is entirely new to you at this time? A Yes.  
Q Did you know anything of the testimony of Captain Grayson?  
A No, I never met him before.  
Q Did you know anything about the testimony of Nose Jamison? A No.  
Q Did you use due diligence in trying to get everybody you could to  
win the case for you from the beginning? A Yes, I wanted my  
case carried through.  
Q You used all the diligence within your power? A Yes, my children  
did for me.

-----  
Frances R. Brown having been first duly sworn upon oath  
states that as stenographer to the Commission to the Five Civilized  
Tribes she reported in full all proceedings had in the above entitled  
cause on the 8th day of May, 1901, and that the above and forego-  
ing is full true and correct transcript of her stenographic notes  
of said proceedings on said date.

*Frances R. Brown*

Subscribed and sworn to before me this 8th day of  
May, 1901.

*Thos B. Hopkins*

Notary Public.

DEPARTMENT OF THE INTERIOR.  
COMMISSION TO THE FIVE CIVILIZED TRIBES.

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In the matter of the application for a re-hearing  
in the protest of the Creek Nation against the enrollment of  
Rees Alabama Norman et al., as citizens of the Creek Nation.

----- DECISION -----

It appears from the record herein that the motion for  
a re-hearing in the protest of the Creek Nation against the enrollment  
of Rees Alabama Norman et al., was filed with this Commission  
April 9, 1901; that said motion is based upon the ground of newly  
discovered evidence as to the relationship between Carolina Norman,  
deceased, a recognized citizen of the Creek Nation, and the said  
Rees Alabama Norman and others, parties in interest herein, and as  
to the enrollment of said parties as citizens of the Creek Nation  
prior to the year 1866; and that testimony in support of said motion  
was heard April 29, 1901, and May 3, 1901.

It is the opinion of the Commission that the testimony  
in support of the motion for a re-hearing fails to disclose the dis-

(2).

covery of any evidence of a material character subsequent to the original hearing of this case and the motion for a re-hearing herein is therefore denied.

The Commission to the Five Civilized Tribes.

  
Acting Chairman.

  
Commissioner.

  
C. R. Prosser.

Dated at Muskogee, Indian Territory,  
This 32nd day of January, 1908.

DEPARTMENT OF THE INTERIOR  
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the protest of the Creek Nation against the enrollment of Rosa Alabama Norman, Sammie Powell, nee Brown and Rena Weaver, nee Brown, as citizens of the Creek Nation.

D E C I S I O N .

It appears from the record in this case that the representatives of the Creek Nation have protested against the enrollment of Rosa Alabama Norman and her two children Sammie Powell, nee Brown and Rena Weaver, nee Brown as citizens of the Creek Nation. The testimony on behalf of said Nation and the above named parties was taken before this Commission at Okmulgee, Indian Territory, on October 24, 1899.

It also appears that the names of said Rosa Alabama Norman, Sammie Powell and Rena Weaver are found upon the authenticated Creek roll for the year 1890 but that said names were placed upon said roll by fraud and without authority of law and that the above named parties have never been duly and lawfully enrolled or admitted to citizenship in the Creek Nation.

The act of Congress approved June 28, 1898, ( 30 Stats. 495) provides:

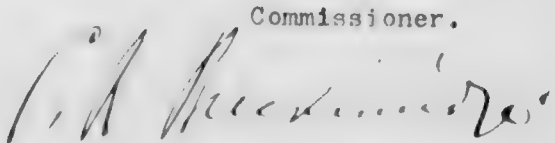
"Said Commission is authorized and directed to make correct rolls of the citizens by blood of all the other tribes, eliminating from the tribal rolls such names as may have been placed thereon by fraud or without authority of law, enrolling such only as may have lawful right thereto, and their descendants born since such rolls were made, with such inter-married white persons as may be entitled to Choctaw and Chickasaw citizenship under the treaties and the laws of said tribes."

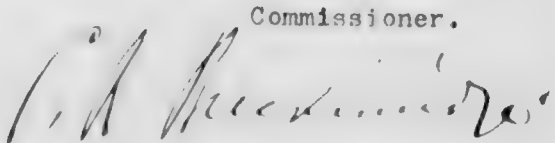
It is therefore the opinion of this Commission that said Rosa Alabama Norman, Sammie Powell, nee Brown and Rena Weaver, nee Brown have not been duly and lawfully enrolled or admitted to citizenship in the Creek Nation and should not be enrolled as citizens of said Nation and it is so ordered.

The Commission to the Five Civilized Tribes.

Dated at Muskogee, Indian Territory,  
this 15th day of April, 1901.

  
Acting Chairman.

  
Commissioner.

  
Commissioner.

(Copy)

Executive Office Muskogee Nation.

Muscogee, I.T., Jany. 14, 1899.

Hon. Tams Bixby,

Actg. Chairman Dawes Commission,

Muscogee, I.T.,

Sir:

I desire respectfully to ask your official attention to statements recently made to me that Mrs. Norman, Sam Powell and Rena Weaver had secured admission and enrollment on the Creek census rolls through fraud. It appears that the statements are true that these persons obtained from some authority possibly a town chief, recognition and enrollment as Creek citizens, and have for quite a while passed and been so recognized. As is stated in complaints made to this office these persons claim as Creeks are based upon an unsupported alleged relationship supposed to subsist between themselves and certain others in the Nation, whose rights are not questioned by anyone. George P. Sanger of Sapulpa, this Nation, alleges the substance of the things above stated, and furnishes the following names of persons, who he writes, will be important witnesses in the case, namely: Mr. and Mrs. Noah Gregory, Mr. and Mrs. George P. Sanger, all of Sapulpa, this Nation, and Thomas J. Adams of Okmulgee. When the matter of making up the citizenship rolls of the Creek Nation, in the course of your official duties, be reached, I ask that this matter be not overlooked, and that that be one, which after a full and fair investigation, shall seem to be fair and just to all in interest.

Very Respectfully,

Isparhecher,

Prin. Chief, M.N.



Sapulpa, Jan. 5th 1899.

To the Hon. Dawes Commissioners:

We the undersigned citizens of the Creek Nation petition to you against Mrs. Alabama Norman, Mrs. Sammie Powell and baby, Mrs. Rena Weaver and baby, as being placed on the Creek rolls through fraud; and can prove that these parties has never applied for citizenship as being Creek citizens ; and we do hereby respectfully petition you to have this matter investigated by your Hon. body, and the witnesses that we can prove these facts by are N.G. Gregory and wife Sapulpa, ex-Prosecuting Attorney Standwaitie of Red Fork, ex-Prosecuting Attorney Taylor Turner, ex-Judge Dick Bruner of Tuskegee, Mr. and Mrs. G.P. Sanger of Sapulpa; Hon. S.W. Brown, Sapulpa. And we do certify that the foregoing facts can be proven beyond a reasonable doubt that the names Mrs. Norman, Mrs. Powell and Mrs. Weaver has never filed any papers before the Council are your honorable body as being citizens of the Creek Nation ; and can prove by the said witnesses that Mrs. Norman promised to pay a Council member Twenty five dollars to enroll her and her 2 daughters on the Creek rolls

Willie Aubry  
Chas. T. Bailey  
James Sapulpa  
Elizabeth Sapulpa  
Reese Harvison  
Jim Crow (his mark)  
Jennie Brown  
Moses Hardy  
Sanford Perryman  
Waitle Bruner  
Turkey Sam  
J.I. Yargee  
C.W. Morgan  
Soda Pife  
Timmie Pife  
Joe Bruner  
W.A. Sapulpa

The Chief knows of the fraud.

Muskogee, Indian Territory, January 22, 1903.

Mrs. Rosa Alabama Norman,  
Sapulpa, Indian Territory.

Madame:

There is herewith enclosed a copy of the decision of the Commission to the Five Civilized Tribes in the matter of the motion for a re-hearing in the protest of the Creek Nation against your enrollment and the enrollment of your two daughters, Sammie Powell, nee Brown, and Rena Weaver, nee Brown, as citizens of the Creek Nation.

The decision, with a copy of the proceedings had in the case, is this day transmitted to the Secretary of the Interior for his review and decision. The final decision of the Secretary will be made known to you as soon as the Commission is informed of the same.

Yours truly,

Acting Chairman.

1 enclosure.  
R. N. 33.  
Registered.

Muskogee, Indian Territory, January 23, 1902.

Wak E. Brook, Esq.,

Attorney for Rosa A. Norman et al.,

Muskogee, Indian Territory.

Dear Sir:

There is herewith enclosed a copy of the decision of the Commission to the Five Civilized Tribes in the matter of the motion for a re-hearing in the protest of the Creek Nation against the enrollment of Rosa Alabama Norman et al., as citizens of the Creek Nation.

The decision, with a copy of the proceedings had in the case, is this day transmitted to the Secretary of the Interior for his review and decision. The final decision of the Secretary will be made known to you as soon as the Commission is informed of the same.

Yours truly,

Acting Chairman.

1 enclosure.  
E. E. B. 33.  
Registered.

Muskogee, Indian Territory, January 22, 1902.

A. P. McKellop, Esq.,

H. R. Reed, Esq.,

Attorneys for the Creek Nation,

Muskogee, Indian Territory.

Gentlemen:

There is herewith enclosed a copy of the decision of the Commission to the Five Civilized Tribes in the matter of the motion for a re-hearing in the protest of the Creek Nation against the enrollment of Rosa Alabama Norman et al., as citizens of the Creek Nation.

The decision, with a copy of the proceedings had in the case, is this day transmitted to the Secretary of the Interior for his review and decision. The final decision of the Secretary will be made known to you as soon as the Commission is informed of the same.

Yours truly,

Acting Chairman.

1 enclosure.  
McK & R.33.  
Registered.

Muskegee, Indian Territory, January 22, 1902.

The Honorable,

The Secretary of the Interior.

Sir:

There is herewith transmitted the record of proceedings in the matter of the protest of the Creek Nation against the enrollment of Rosa Alabama Herman et al., as citizens of the Creek Nation, including the decision of the Commission, dated the 15th day of April, 1901, to the effect that said Rosa Alabama Herman et al., have not been duly and lawfully enrolled or admitted to citizenship in the Creek Nation, and should not, therefore, be enrolled as citizens of said nation, and the decision of the Commission dated January 22, 1902, denying a motion for a re-hearing therein.

Respectfully,

Acting Chairman.

Through the Commissioner  
of Indian Affairs.

1 enclosure.  
Creek 33.

-2-

In December, the same year, Mrs. Michael Hobb Brown, a widow and sister of the late Mrs. Norman, arrived in the Creek Nation from her former home in Alabama, and at the instance and request of W. G. Norman was duly installed as housekeeper at the home of said Norman.

In January, 1884, W. G. Norman and Mrs. Brown were united in marriage at the home of David Carr, in Okmulgee, I. T.

In 1890, the name of Mrs. Norman, and the names of her two children, by her former husband, Mr. Brown, were placed upon the Creek roll of 1890.

Carrie B. Norman, daughter of W. G. Norman by his first wife, was united in marriage to Noah Gregory in 1886; and Helen C. Norman, another daughter by his first wife was married to George Sanger, in 1887.

W. G. Norman, died on December 8, 1898, and it appears from the evidence that by the terms and provisions of the last will and testament of said W. G. Norman the bulk of his estate was left to his wife, Rosa Alabama Norman and that a suit is now pending relative to the disposition of the estate, the daughters by Mr. Norman's first wife, Mrs. Gregory and Mrs. Sanger, being the parties plaintiff.

It also appears from the evidence herein that Noah Gregory, son-in-law of Mr. Norman and George Sanger another son-in-law have been conspicuously active in providing and furnishing evidence and appear to be the moving spirits for the Nation in the protest against the enrollment of Rosa Alabama Norman, and her two children, as citizens of the Creek Nation.

It also appears that no record of protest was made relative to the citizenship rights of Rosa Alabama Norman and her two children until the will of the late W. G. Norman was offered for probate and



it was found by the terms of said will that Mrs. Gregory and Mrs. Sanger were cut off of any considerable share in his property, and therefore, the relations between Mrs. Gregory, Mrs. Sanger and their husbands and Rosa Alabama Norman were not amicable.

As early as Jan. 5, 1899, or less than a month after the death of W. G. Norman a petition was circulated by George Sanger asking that an investigation be had relative to the citizenship rights of Rosa Alabama Norman and her two children. About this time Noah Gregory went to the Chief of the Creek Nation in person and asked him to institute proceedings to get these names off the rolls.

There is evidence, that stands undisputed on the records transmitted that the petition circulated by Sanger and above referred to, is tainted with fraud. Joseph Bruner furnishes this evidence as will be found in his testimony on page 48 of the record of testimony herewith transmitted. Mr. Bruner states that he is a Creek Indian and a member of the house of kings; that the petition was presented to him by George Sanger; that he refused to sign it and that his name was placed on the petition without his authority. On cross examination Bruner was asked to sign his name. The paper on which his name appears is marked Exhibit "B" and forms part of the record transmitted.

The attention of the Department is respectfully called to the fact that the petition was referred to was not forwarded with the papers in the case and it is therefore impossible to compare Mr. Bruner's signature found on Exhibit "B" with the signature he claims, by his testimony, to have been placed on the petition without his authority.

The contention made by the attorneys representing the Creek Nation in this proceeding are:

1st- That Rosa Alabama Norman and her two children were never lawfully admitted to citizenship in the Creek Nation and that the names of Mrs. Norman and her children were placed on the authenticated Creek roll for the year 1890 by fraud or without authority of law.

2nd- That Rosa Alabama Norman and her two children are not in fact citizens by blood of the Creek Nation.

To support the first proposition that the names were fraudulently placed on the roll of 1890, the Nation relies upon the testimony of Noah Gregory. Mr. Gregory testifies in part that he was a member of the House of Warriors for four years beginning in 1886; that in 1890, W. G. Norman wrote him to the effect that the name of his, Norman's, wife and her two children, by her former husband had been sent to John Francis who was the town king of Hickory Ground town and said Norman wanted to know whether they had been enrolled or not; that the rolls had already been submitted to the council and that upon investigation witness found that the names of Mrs. Norman and her children were not on the rolls; that Ward Coochanan, then president of the House of Warriors, authorized witness to put the names on the roll; that under this authority witness did place the names on rolls, after said rolls had passed both houses and that the names were interlined in his handwriting.

In this connection the attention of the Department is respectfully called to the testimony of John Francis, found on page 35 in the testimony herewith transmitted. Mr. Francis states, that he was a member of the House of Warriors in 1890, and has been King of Hickory Ground town since 1891; that witness looked over the roll in 1890 when it was before the council; that the names of Mrs. Norman and her children were on the roll after it passed the house; that the name of

Mrs. Norman and her children were called in the House of Warriors and then sent to the House of Kings.

M. J. Marjo, private secretary to the Chief of the Creek Nation was called by the defense on a subpoena, to produce the original rolls made of Hickory Ground town. Mr. Marjo testified that he had made extensive search for said rolls in the executive office and that he was unable to find said rolls.

Rosa Alabama Norman testified that she had been recognized as a citizen of the Creek Nation and had drawn money twice, the \$29 and the \$14 payments for herself and children.

On the second proposition that Mrs. Norman was not in fact a citizen by blood of the Creek Nation, Mrs. George Sanger appears as the only witness. She testifies, that Mrs. Norman was not related to her so far as she knows; that her father W. J. Norman, told her that his second wife was a sister to her mother and that she should call her aunt; that Dave Carr, a cousin of her mother told witness that the second Mrs. Norman was not her aunt.

The evidence of Mrs. Norman, Dr. M. B. Tarvin, the affidavits of William Fisher, Mrs. Mittie Martin and Mrs. C. M. Killian, who is the mother of Mrs. Norman, together with records copied from the family bible, submitted as evidence and marked Exhibit "C", all point to the fact that Norman's first and second wives were own sisters.

In fact the only evidence found in the testimony and records transmitted herewith, that the wives of Mr. Norman were not sisters, is found in the testimony of Mrs. Sanger wherein she states, that her mother's cousin, Dave Carr, told her that the second Mrs. Norman was not the aunt of the witness.

It is the opinion of this office that the relationship of Mrs.

Alabama Norman as a sister to her husband's first wife has been fully established and that Mrs. Norman and her children are in fact citizens by blood of the Creek Nation.

There is not a scintilla of evidence in the testimony and records herewith transmitted to show that Mrs. Norman or her children perpetrated a fraud or were in any way party to any fraudulent transaction having to do with the placing of her name, and that of her minor children on the roll of 1890 as citizens of the Creek Nation.

Now comes Noah Gregory, who has maintained silence for a period of 10 years but who now declares that a fraud was perpetrated in 1890 and to prove the fraud he declares that he did it under the direction of Ward Coachman. But little credence can be placed in the testimony of Mr. Gregory.

In the opinion of the office the Commission is in error. The authenticated rolls of the Creek Nation are not subject to trivial attacks.

In order to strike the names of persons from the rolls the evidence should be positive, clear and convincing.

Mr. Gregory's statement that he placed the names on the Creek roll in 1890 after the said roll had been passed upon by the council is disputed by the testimony but admitting that his statement is correct, it is noted that this roll was submitted to a committee of 18 for revision and that this committee caused 319 names to be stricken therefrom, and it is further noted that the roll with the names of the parties objected to in this proceeding thereon, again passed the council and was adopted in 1895.

The office respectfully recommends that the Commission be directed to place the names of Rosa Alabama Norman and her two

daughters, Sammie Powell and Rena Weaver, and her grandchild, Park  
Powell, upon the Great Hall.

Very respectfully,

Your obedient servant,

A. C. Tonner

Acting Commissioner.

R.S.S.(C'g.)



C O P Y

16190

DEPARTMENT OF THE INTERIOR.

R

Washington

I.T.D.1604-1902.

March 15, 1902.

Commission to the Five Civilized Tribes,

Muskogee, I.T.

Gentlemen:

The Department has considered the questions arising out of the protest of the Creek Nation against the enrollment of Rosa Alabama Norman and her children, Sammie Powell, formerly Brown, and Rena Weaver, formerly Brown, as citizens of the Creek Nation, transmitted with your letter of January 22, 1902.

The Acting Commissioner of Indian Affairs, reporting in the matter March 12, 1902, states fairly what appears from the testimony and recommends that you be directed to place the names of the applicants upon the Creek roll.

The main feature of the case is the allegation that the names of the applicants were fraudulently placed on the roll of 1890. In regard to this the Acting Commissioner states that the nation relies upon the testimony of Noah Gregory; that Gregory testifies that he was a member of the House of Warriors for four years beginning in 1886; that in 1890 W. G. Norman, husband of Rosa Alabama Norman, wrote him that the names of his (Norman's) wife and her two children by her former husband had been sent to one Francis, who was the town king of Hickory Ground town, and wanted to know whether they had been enrolled or not; that the rolls had already been submitted to the council and



that upon investigation witness found that the names of Mrs. Norman and her children were not on the rolls; that Ward Coashanan, then president of the House of Warriors, authorized witness to put the names on the rolls after said rolls had passed both houses, and that under this authority witness did place the names on the rolls, interlining them in his own handwriting.

The Acting Commissioner in this connection calls attention to the testimony of said Francis, who states that he was a member of the House of Warriors in 1890, and has been King of Hickory Ground town since 1891; that he looked over the roll in 1890 when it was before the council, and that the names of Mrs. Norman and her children were on the roll after it passed the house and were called in the House of Warriors and then sent to the House of Kings. It appears that said roll cannot be found.

The Acting Commissioner concludes that it is nowhere shown that Mrs. Norman or her children perpetrated a fraud or were in any way party to any fraudulent transaction having to do with the placing of her name and the names of her minor children on the roll of 1890, but admitting that Gregory's statement is correct, attention is called to the fact that this roll was submitted to the Creek Council to a committee of 18 for revision and this committee caused 619 names to be stricken therefrom, and that the roll as corrected, with the names of the parties objected to in this proceeding thereon, again passed the council and was adopted in 1895.

In the matter of the relationship of the second Mrs. Norman to Norman's first wife, who had been recognized and enrolled as a citizen of the Creek Nation, the Acting Commissioner states that it has been conclusively shown that the second wife was a sister of the first wife.

You found that the names of the parties were placed on the roll of 1898 by fraud and without authority of law, and held that the claimants should not be enrolled as citizens of the Creek Nation.

The act of June 28, 1898 (30 Stat., 495), directs you to eliminate from the tribal rolls such names as may have been placed thereon by fraud or without authority of law, but the evidence upon which you act must conclusively establish the wrong to warrant such action, which is not the case in this instance.

It appears that a suit is now pending relative to the disposition of the estate of W. G. Norman, the daughters of Mr. Norman by his first wife being plaintiffs in the case. One of the plaintiffs is the wife of witness Gregory, on whose uncorroborated testimony your decision is apparently mainly based.

The Department concurs in the recommendation of the Acting Commissioner of Indian Affairs that the names of the claimants should be placed upon the roll now being prepared by you, unless additional facts be brought to your attention justifying a re-examination into the matter.

A copy of the Acting Commissioner's letter is inclosed herewith.

Respectfully,

THOS. RYAN.  
Acting Secretary.

EMO

1 inclosure.

*Cope*  
Muskogee, Ind. Ter., April 16, 1902.

Wm. B. Brock, Esq.,

Attorney for Rosa Alabama Norman,

Muskogee, Indian Territory.

Dear Sir:

You are hereby notified that the Acting Commissioner of Indian Affairs, reporting to the Department, under date of March 12, 1902, recommended that this Commission be directed to place the names of Rosa Alabama Norman and her children, Sammie Powell and Rena Weaver, upon the Creek roll; and that the Acting Secretary of the Interior, under date of March 15, 1902, advised the Commission as follows: "The Department concurs in the recommendation of the Acting Commissioner of Indian Affairs that the names of the claimants should be placed upon the roll now being prepared by you, unless additional facts be brought to your attention justifying a re-examination into the matter."

You are further notified that in accordance with the decision of the Acting Secretary of the Interior, the parties above named have been listed for enrollment as citizens of the Creek Nation.

Yours truly,

TAMM BIXBY.

Acting Chairman.

Creek-33.  
OCH.

C O P Y

Muskogee, Ind.Ter., April 10, 1902.

A. P. McKellop, Esq.,

H. G. Reed, Esq.,

Attorneys for the Creek Nation,

Muskogee, Indian Territory.

Gentlemen:

You are hereby notified that the Acting Commissioner of Indian Affairs, reporting to the Department, under date of March 12, 1902, recommended that this Commission be directed to place the names of Rosa Alabama Norman and her children, Bessie Powell and Rena Weaver, upon the Creek roll; and that the Acting Secretary of the Interior, under date of March 10, 1902, advised the Commission as follows: "The Department concurs in the recommendation of the Acting Commissioner of Indian Affairs that the names of the claimants should be placed upon the roll now being prepared by you, unless additional facts be brought to your attention justifying a re-examination into the matter."

You are further notified that in accordance with the decision of the Acting Secretary of the Interior, the parties above named have been listed for enrollment as citizens of the Creek Nation.

Copies of the letters of the Acting Commissioner of

2-McKellop and Reed.

Indian Affairs and Acting Secretary of the Interior are enclosed herewith for your information.

Yours truly,

TAMS BIXBY.

Acting Chairman.

2 enclosures.

Creek-33.

OCH.

C O P Y

Muskogee, Ind. Ter., April 16, 1902.

S. B. Dawes, Esq.,

Attorney for Rosa Alabama Norman et al,  
Muskogee, Indian Territory.

Dear Sir:

You are hereby notified that the Acting Commissioner of Indian Affairs, reporting to the Department, under date of March 12, 1902, recommended that this Commission be directed to place the names of Rosa Alabama Norman and her children, Emma Powell and Rosa Weaver, upon the Creek roll, and that the Acting Secretary of the Interior, under date of March 12, 1902, advised the Commission as follows: "The Department concurs in the recommendation of the Acting Commissioner of Indian Affairs that the names of the applicants should be placed upon the roll now being prepared by you, unless additional facts be brought to your attention justifying a re-examination into the matter."

You are further notified that in accordance with the decision of the Acting Secretary of the Interior, the parties above named have been listed for enrollment as persons of the Creek Nation.

Yours truly,

TAME BIXBY.

Acting Chairman.

OCH.  
Creek 33.



C O P Y

Muskogee, Ind.Ter., April 16, 1902.

Rosa Alabama Norman,

Chascoah, Ind.Ter.

Dear Madam:

You are hereby notified that the Acting Commissioner of Indian Affairs, reporting to the Department, under date of March 12, 1902, recommended that this Commission be directed to place the names of Rosa Alabama Norman and her children, Sammie Powell and Norma Weaver, upon the Creek roll; and that the Acting Secretary of the Interior, under date of March 16, 1902, advised the Commission as follows: "The Department concurs in the recommendation of the Acting Commissioner of Indian Affairs that the names of the claimants should be placed upon the roll now being prepared by you, unless additional facts be brought to your attention justifying a re-examination into the matter."

You are further notified that in accordance with the decision of the Acting Secretary of the Interior, the parties above named have been listed for enrollment as citizens of the Creek Nation.

Yours truly,

TAMM

Acting Chairman.

Creek-33.  
OCH.

COMMISSIONERS:  
HENRY L. DAWES,  
TAMM SIXBY,  
THOMAS B. NEEDLES,  
C. R. BRACKINRIDGE.

ALLISON L. AYLESWORTH,  
SECRETARY.

DEPARTMENT OF THE INTERIOR,  
COMMISSION TO THE FIVE CIVILIZED TRIBES.

ADDRESS ONLY THE  
COMMISSION TO THE FIVE CIVILIZED TRIBES.

C O P Y .

"Exhibit A. (F.R.B.)

Mrs. W. G. Norman

Sammie Brown

Rena Brown

(Note. The above named are written on the original)  
(Exhibit in ink.)

1  
COMMISSIONERS:  
HENRY L. DAWES,  
TAMM BIXBY,  
THOMAS B. NEEDLES,  
C. R. BRECKINRIDGE.

ALLISON L. AYLESWORTH,  
SECRETARY.

DEPARTMENT OF THE INTERIOR,  
COMMISSION TO THE FIVE CIVILIZED TRIBES.

ADDRESS ONLY THE  
COMMISSION TO THE FIVE CIVILIZED TRIBES.

C O P Y .

Exhibit B. (F.R.B.)

Joseph Bruner

(Note. The above name is written on the original  
Exhibit in ink.)

C O P Y .

M A R R I A G E S .

"Exhibit C. (F.R.B.)

Esse H. Killam and	:	Mrs. Martha <sup>X</sup> Peavy & Mr
Caroline M. Weatherford	:	Marten were married
were married July 18th	:	Nov.- 1871
1833	:	
William N. Peavy and	:	Miss Adelle B. Killam and
Martha L. Killam were	:	Mr Holt were married
married Aug 14th 1851	:	1878
Wesley G. Norman and	:	Alabama Killam were
Caroline N. Killam were	:	married Jan 19th 1884
married Aug. 25th 1857	:	
Edward L. Killam and	:	Carrie E. Norman and Noah
Malita R. Ayers were	:	Gregory were married June
married June 9th, 1861.	:	15th 1886
Sarah R. Killam was	:	Helen C. Norman and
married Feb. 15th 1864.	:	George Sanger
	:	Sept 1887
Henry Killam and Mary	:	
A. Campbell were married	:	
Oct. 16th 1865.	:	
Alabama Killam & Mr. Brown	:	
were married Nov. 1876.	:	

Alabama Rose Norman is also known as Mrs. W.G.Norman; Sammie Powell as Sammie Brown; and Rena Weaver as Rena Brown.

Office  
C. I. Fears,

Attorney at Law.

Office opposite U. S. Court Building.

Muskogee, Ind. Ter. January 20<sup>th</sup> 1899

Hon. James Commission,

Gentlemen;

There is a well  
grounded complaint against putting  
on the Creek Rolls, the names of Rosa  
Alabama Norman, the second wife of  
W. G. Norman, and her two daughters  
by an Alabama husband, namely:  
Sammie Powell, and Rena Weaver  
sometimes called Clemmie Weaver.  
These parties we are reliably informed  
came from Alabama to the Creek  
Nation about 1886-7 and have  
never made application for cit-  
izenship to any of the legally con-  
stituted authorities of said Nation.  
As we are informed on good authority



Office of

J. S. Fears,

Attorney at Law.

Office opposite U. S. Court Building.

Muskogee, Ind. Ten.

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2

They first claimed to be on the Hickory Ground Town Rolls - but were never in fact on said Rolls. The way they came to be on the per capita payment rolls was this: Prior to the payment of the 400,000 \$ which was 2900 \$ per capita, council had passed up and approved the rolls and adjourned, when Noah S. Gregory at that time a member of Council learned that these parties were not on the Roll as approved, and knowing that they claimed to be on the Hickory Ground Town Rolls, and believing it, mentioned it to Ward Coachman President of the House of Kings.

Said Coachman had known that W. G. Normans ~~first~~ wife was a Creek citizen, and believing that she was the Mrs. Norman referred to instructed said Gregory to go to his desk in the Council Chamber where the rolls then were and insert these names, which said Gregory did, and on that drew 2900¢ each. At the next payment of they living near the Euchee Town, had their names transferred to the Euchee Rolls. Thus by practicing a fraud they got on the rolls.

We respectfully request that you investigate this matter and if the charges are found to be

Office of

S. I. Fears,

4

Attorney at Law.

Office opposite U. S. Court Building.

Muskogee, Ind. Ter.

189

True that you have their  
names stricken from the Rolls.

Respectfully

Sparhecker

Priv. Secy. m. m.

D. C. Watson

Priv. Secy.

P.S.  
I written to you the other day about the  
above named persons but I write this again  
with more explanation

Obien!

Sabulpa. Feb. 2, 99

Hon. Roley McIntosh

Dear sir Mr N. F. Gregory placed  
Mrs Alabama Rosa Norman  
Mrs Sammie Powell and Baby  
And Mrs Rena Weaver and  
baby; <sup>on the creek rolls</sup> Mrs Powell and Mrs Weaver  
are daughters of Mrs Norman  
Mr Gregory placed their past  
names on the Hickory Grove  
rolls. after these rolls was accepted  
by council and the com  
mittee, John Francis knowed  
that they never even made  
application for citizenship.

this Mrs Norman claims  
to be a sister to Mr Normans  
first wife Mr Norman has 2  
daughters by his first wife  
and they will swear that this  
Norman woman was never  
related to there mother Mr W G  
Norman this woman's husband  
admitted to Stand waitie the  
prosecuting attorney that this  
woman was no citizen and  
that he was holding his  
places and stock in his 2  
childrens name I married  
of Mr Norman's daughters  
and J G Gregory married  
the other one, Noah Gregory  
said that he would make

a sworn statement that he placed these parties on the rolls without the consent of the Council or any of the creek officials. Mr. Gregory told me and my wife that Mrs. Norman promised to pay him \$25<sup>00</sup> to place these names on the rolls. Mr. W. B. Norman told me and my wife his daughter that his wife gave Mr. Gregory twenty five dollars to place these names on the rolls. He said that was the only way that Mrs. Norman could get a right; because he thought if you will bail on Judge S. B. Fears he will show you the



the whole history of these parties  
Judge Years is employed  
by us to prosecute these parties  
holding a right in the creek  
nation Judge Years has a  
complaint from about 21  
citizens of the creek nation  
stating that these parties was  
placed on the rolls with  
out the consent of the council  
and that they wanted this  
matter investigated; before  
the Dawes commissioners this matter  
has been reported to Gov Eschichee  
and he has failed to have  
this matter investigated  
Now please call on Judge  
Years of Muskogee.

5.

and set our statements  
and have complaint filed  
against these frauds

you will find that they was  
first placed on the Hickory  
grounds rolls by M. G. Gregory  
John Francis would not  
accept them, on his town roll  
Bob Powell Mrs Normans son  
in law went to Sam Brown  
and got Sam Brown to put  
them on his Enchee town  
list as Enchee citizens you  
see they claimed Creek blood  
before Hickory ground town  
and Enchee blood before the  
Enchee town John Farn and  
every body else is satisfied

Sam Bronzi accepted these parties for a money consideration; but please let me know by return mail if you will file complaint before the commissioners against these parties. Judge Fair will explain everything to you, and show you by our statements who to have sued against these parties. Please inform the creek & our commissioners in reference to these parties. And assist me and Gregory in having this matter investigated before the Hon. James Commission.

Very Res<sup>t</sup> yours

Geo. P. Sanger

P.S. you can investigate every book in the creek hospital and you can not find in no place where they ever filed any papers for citizenship or ever admitted to any of the creek officials that they was creek's by blood or marriage. you or nobody else can not find it in no instance Mr Norman's first wife my wife's mother Mrs Novell Norman proved her right up before the counsel. this second Mrs Norman

8  
Came from the states some  
where after Mr normans first  
wife died as a servant of Mr  
normans and remained  
with him up to his death  
she said that they was mar-  
ried But we have no knowl-  
edge of that; This woman had  
Mr norman make a will and  
he left her and her 2 girls every-  
thing; and my wife and her sister  
Mrs. Gregory \$20<sup>00</sup> a piece and  
they are holding 2 good  
farms that will fall to my  
wife and her sister just as  
soon as we get them from  
off of the rolls Mr norman  
when he died had 4055<sup>00</sup> pounds  
and dollars in cash

Three Hundred Dollars  
 worth of born three hundred  
 Dollars worth Hogs Four Hundred  
 Dollars worth cattle 3 hundred  
 worth Horses; These 2 farms  
 are worth about one thousand  
 dollars and this will be all  
 my wife and her sister can  
 get out of the estate.  
 Now you see these parties  
 was never admitted as  
 creek citizens and was  
 placed on the rolls through  
 fraud and we can prove  
 this



Now I will be under many  
 obligations to you if you  
 will aid me in my undertak-  
 ing; in this matter. Now if these  
 parties was creek's when they  
 first came out to keep house  
 for Mrs. Crossman they would  
 have filed these papers in  
 the counsel; This woman is a  
 sharp shrewd woman and she  
 watched her opportunity to  
 bribe some poor fellow that  
 would sell out his country  
 and she found one and got  
 on the rolls through a fraud  
 very respt yours

G. P. D. Angles

CR EN 34

CR EN 34

In the matter of the app[arition]  
enrollment of

Pilly Carolina

as a citizen of the United States

for consideration of the Secretary  
of the Interior

JAN 25 1902

508

384

Willy Carolinas

a member of the Creek Nation

for consideration of the Secretary  
the Interior January 25, 1902

Decision affirmed January 27, 1902

Applicant and Attorneys for Creek

Nation notified of Departmental action

February 4, 1902

CR EN35

CR EN35

DEPARTMENT OF THE INTERIOR,  
COMMISSION TO THE FIVE CIVILIZED TRIBES.  
MUSKOGEE LAND OFFICE, NOV. 2, 1899.

In the matter of the application of Leona stark, and her daughter Cora, and L. S. Sizemore, for enrollment as citizens of the Creek Nation.

LEONA STARK, being ~~xxx~~ duly sworn by Acting Chairman Bixby, testified as follows:

(By Mr. Bixby)

- Q What is your name? A Leona starke.
- Q How old are you? A I will soon be thirty-one.
- Q How does it happen that you gave your age two years ago as 22?
- A I didn't know my age exactly, and wrote to my mother; she had the records; I don't think it now; I know it.
- Q Where do you live? A I live at Eufaula; been living there.
- Q How long have you lived in the Creek Nation? A
- A I don't remember; quite a while.
- Q Where were you born? A Alabama.
- Q How long ago did you live in Alabama? A I don't remember.
- Q Did you come before the \$29 payment?
- A I came just about that time.
- Q You didn't draw the \$29 payment? A No sir.
- Q Did you ever draw any Creek money? A No sir.
- Q Did you ever apply to the Commission or citizenship committee of the Creek Nation for citizenship? A Yes sir.
- Q What action did the commission take?
- A My town chief admitted me on the roll.
- Q Who was your town chief? A John Francis. He was not the town Chief then.
- Q Who was he? A I don't remember.
- Q Did you apply to the Colbert Commission in 1896? A No sir.
- Q Did you apply to the citizenship committee in 1895? A
- A No, we applied when we first came here, and let it drop.
- Q Did you apply to the Dawes Commission in 1896?
- A I don't know whether in 1896; we applied to the Dawes Commission when we was at Okmulgee; I don't remember what time.
- Q You have not been recognized as a citizen of the Creek Nation either by the Creek authorities or the Dawes Commission?
- A I never got anything to show for it, but I got other people's words for it; I had my attorney when the Dawes Commission was there when we appeared before them. I was sick and could not get there. My brother did though.
- Q You understand at that time the Dawes Commission was merely enrolling--or taking a census of people who claimed to be citizens. That was not an enrollment.
- Q Have you any children? A One.
- Q What is the name of this child? A Cora Stark.
- Q How old is she? A Five years old.
- Q In making this application for yourself you wish also to include your child? A
- A Yes, and also my brother.
- Q What is your brother's name? A Sidney Sizemore.
- Q Is he a full brother of yours? A Yes sir.
- Q Is there anything more you want to tell about this? A No sir.



#2 Leona Starke.

WILLIAM FISHER, being ~~XXXXXXXXXX~~ duly sworn by Acting Chairman Bixby, testified as follows:

(By Mr. Bixby)

Q What is your name? A William Fisher.

Q Are you a citizen of the Creek Nation? A Yes, one of the oldest.

Q How old are you? A Seventy years.

Q How long have you lived in the Creek Nation?

A We come here from Alabama in 1847

Q Do you know Leona Starke?

A Yes, I knew her just after she came into this country. I knew her parents just the first people I knew after I came to my recollection from a child, and all her connection. Her parents and my family have lived together until we left there, but I know her mother and her father, and her grandfather and great grandmother. Know them just as well as I know one of my own children.

Q How much Creek Indian is she? A I reckon must be half.

Q Who was her father?

Q Her father's name was Alex Sizemore, and Alex Weatherford was her great grandfather.

Q Who was her mother? A Her mother was Alex Weatherford's daughter. I don't recollect her given name--Mary. I have got several letters from her since she came here inquiring how she was getting along.

Q Was Mary Weatherford a Creek Indian? A Yes sir.

Q How much Indian was she?

A About half I think. The old lady used to talk Creek Indian as well as anyone ever did talk.

Q How much Creek was her father?

A I couldn't tell; about half breed.

Q That would make this woman about half bred? A Yes sir.

Q Do you know why Leona's name does not appear on the Creek rolls if she is a Creek citizen?

A That's what she says, and that's the reason she had me to appear here before you.

Q Why doesn't her name appear on the rolls?

A I couldn't tell you that; I don't know anything about how that happened, but she is surely a Creek. If I knew everything else as well as I know that she is a Creek, there would be no mistake about it.

By Mr. Bixby: This case will be continued in order that applicant may get additional evidence as to citizenship if possible. Her name does not appear to be on the authenticated roll.

### Department of the Interior,

Commission to the Five Civilized Tribes.

I hereby certify, upon my official oath as stenographer to above named Commission, that this transcript is a true, full and correct translation of my stenographic notes.

James R. Brown

DEPARTMENT OF THE INTERIOR,  
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application of Leona Stark for the enrollment of herself, her daughter, Cora Stark, and her brother, Sidney Sizemore, as citizens of the Creek Nation.

D E C I S I O N .

It appears from the record in this case that on November 2nd, 1899, Leona Stark appeared before this Commission at Muskogee, Indian Territory, and made application for the enrollment of herself, her daughter Cora Stark and her brother, Sidney Sizemore as citizens of the Creek Nation.

It also appears that the said applicants have never been recognized as citizens of the Creek Nation by the tribal authorities, nor that they nor either of them, were admitted to citizenship in said nation by the Commission to the Five Civilized Tribes, or by the legally constituted authorities of the Creek Nation, or by the United States Court in Indian Territory, on appeal, in accordance with the act of Congress of June 10, 1896, (29 Stats., 321).

It is therefore the opinion of the Commission that the application of the said Leona Stark for the enrollment of herself, her daughter Cora Stark, and her brother Sidney Sizemore, as citizens of the Creek Nation should be denied, and it is so ordered.

Commission to the Five Civilized Tribes.

  
Acting Chairman.

Dated Okmulgee, Indian Territory,  
this 11th day of May, 1901.

Commissioner .



Commissioner.

(COPY)

Muskogee, Indian Territory, January 15, 1902.

The Honorable,

The Secretary of the Interior.

Sir:

There is herewith transmitted the record of proceedings in the matter of the application of Leona Stark for the enrollment of herself, her daughter Cora Stark, and her brother Sidney Sismore as citizens of the Creek Nation, including the decision of the Commission, dated May 11, 1901, denying said application.

Respectfully,

T. B. Needles.

Commissioner in charge.

Through the Commissioner  
of Indian Affairs.

1 enclosure.  
Creek 35.

COMMISSIONERS.  
HENRY L. DAWES,  
TAMM SIXBY,  
THOMAS B. NEEDLER,  
C. A. BRICKNORRIDGE.

ALLISON L. AVLESWORTH,  
SECRETARY.

DEPARTMENT OF THE INTERIOR,  
COMMISSION TO THE FIVE CIVILIZED TRIBES.

ADDRESS ONLY THE  
COMMISSION TO THE FIVE CIVILIZED TRIBES.

Muskogee, Indian Territory, January 15, 1902.

Leona Stark,

Mufaula, Indian Territory.

Dear Madam:

There is herewith enclosed a copy of the decision of the Commission to the Five Civilized Tribes in the matter of the application made by you for the enrollment of yourself and daughter, Gora Stark, and your brother, Sidney Sizemore, as citizens of the Creek Nation.

The decision, with a copy of the proceedings had in the case, is this day transmitted to the Secretary of the Interior for his review and decision. The final decision of the Secretary will be made known to you as soon as the Commission is informed of the same.

Yours truly,

  
Commissioner in charge.

1 enclosure L.S.115.  
Registered.

(COPY)

Muskogee, Indian Territory, January 15, 1908.

A. P. McKellop, Esq.,

H. G. Reed, Esq.,

Attorneys for Creek Nation,

Muskogee, Indian Territory.

Gentlemen:

There is herewith enclosed a copy of the decision of the Commission to the Five Civilized Tribes in the matter of the application for the enrollment of Leona Stark, her daughter Gora Stark, and her brother Sidney Sismore, as citizens of the Creek Nation.

The decision, with a copy of the proceedings had in the case, is this day transmitted to the Secretary of the Interior for his review and decision. The final decision of the Secretary will be made known to you as soon as the Commission is informed of the same.

Yours truly,

T. B. Needles.

Commissioner in charge.

1 enclosure McKAR-115-1.  
Registered.

(COPY)

Refer in reply to the following:

Land  
3834-1902.

Department of the Interior,  
Office of Indian Affairs,  
Washington, January 24, 1902.

The Honorable,

The Secretary of the Interior.

Sir:

I have the honor to transmit herewith a report made January 15, 1902, by the Commission to the Five Civilized Tribes, transmitting the record of proceedings in the matter of the application of Leona Stark for the enrollment of herself, her daughter, Cora Stark, and her brother, Sidney Sizemore, as citizens of the Creek Nation.

The Commission reports that the applicants have never been recognized as citizens of the Creek Nation by the tribal authorities; that none of them have been admitted to citizenship in said Nation by the Commission to the Five Civilized Tribes, or by the legally constituted authorities of the Nation or by the United States courts in the Indian Territory in accordance with the provisions of the act of Congress of June 10, 1896, (29 Stats., 321.)

The Commission is therefore of the opinion that the applicants should not be enrolled. The office agrees with the Commission in its conclusion and respectfully recommends that it be advised that its action is approved.

Very respectfully,  
Your obedient servant,  
W.A. Jones,  
Commissioner.

WCV  
D

Inclosure.



(COPY)

D.C.No. 1498-1902.  
L.R.S.

6301.

P.

Department of the Interior.  
Washington.

I.T.D. 520-1902.

January 27, 1902.

Commission to the Five Civilized Tribes,  
Muskogee, I. T.

Gentlemen:

January 24, 1902, the Commissioner of Indian Affairs transmitted the papers in the matter of the application for enrollment of Leona Stark, Cora Stark and Sidney Sizemore as citizens of the Creek Nation, and recommended that your action in the case be approved.

On May 11, 1901, you refused said application because not one of the applicants has ever been recognized or admitted to citizenship in said nation by any lawful authority.

The Department affirms your decision in this case, and you will so inform the applicants. Copy of the Commissioner's letter is inclosed herewith.

Respectfully,

Thos. Ryan  
Acting Secretary,  
EMD.

1 inclosure.

COMMISSIONERS.  
HENRY L. DAWES.  
TAMM BIXBY.  
THOMAS B. NEEDLES.  
C. R. BRECKINRIDGE.

ALLISON L. AYLESWORTH,  
SECRETARY.

DEPARTMENT OF THE INTERIOR.  
COMMISSION TO THE FIVE CIVILIZED TRIBES.

ADDRESS ONLY THE  
COMMISSION TO THE FIVE CIVILIZED TRIBES

Muskogee, Indian Territory, February 4, 1902.

Leona Stark,

Eufaula, Indian Territory.

Dear Madam:

You are hereby advised that the Secretary of the Interior, under date of January 27, 1902, affirmed the decision of the Commission, dated May 11, 1901, denying the application made by you for the enrollment of yourself and child, Cora Stark, and Sidney Sizemore as citizens of the Creek Nation.

Yours truly,



Acting Chairman.

THOMAS B. NEEDLES.  
C. R. BRECKINRIDGE.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

ALLISON L. AYLESWORTH,  
SECRETARY.

(COPY)

ADDRESS ONLY THE  
COMMISSION TO THE FIVE CIVILIZED TRIBES

Muskogee, Indian Territory, February 4, 1908.

A. P. McKellop, Esq.,

H. C. Reed, Esq.,

Attorneys for Creek Nation,

Muskogee, Indian Territory.

Gentlemen:

You are hereby advised that the Secretary of the Interior, under date of January 27, 1908, affirmed the decision of the Commission, dated May 11, 1901, denying the application made by Leona Stark for the enrollment of herself, her child, Gera Stark, and Sidney Sisemore as citizens of the Creek Nation.

Yours truly,

Tams Bixby

Acting Chairman.

CR EN 36

CR EN 36

DEPARTMENT OF THE INTERIOR,  
COMMISSION TO THE FIVE CIVILIZED TRIBES,  
MUSKOGEE LAND OFFICE.

Testimony taken at Okmulgee, October 25, 1899

In the Matter of the Application of Susie :  
McAfee, Muskogee Spaulding and Otis :  
Spaulding for enrollment as citizens of the :  
Creek Nation. :  
-----:

Col. B. H. Du Val appearing for the Creek Nation.

Mrs. Sophia Spaulding being first duly sworn, testified as follows:

By Mr. Bixby:-

- Q What is your name? A Mrs Sophia Spaulding  
Q How old are you? A I don't know how old I am; in them days the old folks never did keep--  
Q About how old are you? A About 50 years old.  
Q You claim to be a citizen of the Creek Nation? A Yes sir.  
Q What town do you belong to? A Hickory ground town.  
Q How long have you lived in the Creek Nation?  
A All my life.  
Q Born here? A Born and raised here.  
Q How did you become a citizen? A The town made me a citizen.  
Q You are a white woman, arn't you? A Yes sir.  
Q Any Indian blood? A No.  
Q Have you ever been adopted by the nation? A Yes.  
Q When? A When they had council here.  
Q What year? A I don't know what year.  
Q About how many years ago? A I was adopted when I was a child; little bit of a thing.  
Q Do you know whether or not your name is on the roll of 1867 made by Major Byers? A Ye , I guess it ought to be there.  
Q You have always been recognized as a citizen? A Yes.  
Q Did you draw the bread money? A Yes.  
Q Did you draw the \$29 payment? A Yes. drawed all of them until this last payment.  
Q Did you draw the \$14? A Yes sir.  
Q That was the last payment. A Well, I didn't get that  
Q Did you appear before the Colbert Commission? A Yes sir.  
Q Did the Colbert Commission re-instate you? A Yes sir.  
Q You were left out in 1895, but re-instated in 1896 be the Commission? A Yes sir.  
Q Have you any children? A Yes sir.  
Q What are their names and ages?  
A Susie Spaulding, age about 20, Muskegee Spaulding, 12 years, and Otis Spaulding, age about 19.  
Q Where were they born? A They were born down here on Big Fork.  
Q In the Creek Nation? A Yes sir.  
Q Were your children ever adopted by the Creek Nation? A Yes.  
Q When? A I drawed for them and me too; me and my children drawed all the time.  
Q Do you know whether they were ever formally adopted by any action of the Creek council, these children? A Yes.  
Q When? A They adopted me and the children too; they drawed with me the same as I did.  
Q You don't know what year, though? A No.  
Q Did the children draw the \$29 payment? A No, me and the children didn't draw that.  
Q You said you did draw the \$29 payment?  
A I drawed all the time until this last payment; I told you there was only one payment me and my children didn't draw.

#2 Susie McAlphee et al.

Q They, the children, drew the \$29 payment?

A No, me and the children didn't draw the last time.

Q I told you a little while ago that the last payment was \$14. That you didn't draw? A No.

Q Did your children draw the \$29 payment? A Yes, we all drew that.

Q How did they get on the roll of 1890; that was the roll for which the \$29 payment was made.

A They put them on there.

Q The town king? A Yes sir.

Q What was his name? A John Francis.

Q Do you think he put them on himself, or did the commission put the names on? A He was at the council, and I reckon he put them on there.

John Francis being first duly sworn by Acting Chairman Bixby, testified as follows:

Q What is your name? A John Francis.

Q Are you a citizen of the Creek Nation? A Yes sir.

Q How old are you? A Sixty-three.

Q Are you the town king of Hickory ground? A Yes sir.

Q How long have you been town king? A Eight years.

Q Were you town king before you were a warrior? A I was a member of the house of warriors in 1890.

Q Under which the roll was made? A Yes sir.

Q Do you know Sophia Spaulding and her children? A Yes sir.

Q Do you know how their names got on the roll of '90?

A Our town king put them on the roll. Talwamioco or John McGilber put them on.

Q Were the names on the roll when it was adopted by the council?

A At the time we put on the \$29 roll.

Q No, that was adopted before. When was this adopted?

A That's too hard for me.

Q How long have you known Sophia Spaulding?

A I knew her forty years ago.

Q She has always been recognized as a member of the Creek tribe?

A Yes sir.

Q She is a white woman? A Yes, no Indian blood.

Q How did she get on the rolls?

A A man came from Alabama by the name of Riley, and I believe his family died, and he gave his children to Hickory ground king; and he raised them and kept them since; that is the way I heard it.

Q Was his name Isaac Riley? A One of them was; there was two boys; and one was Sophie Riley.

Q Did you know Sophie Riley? A Yes, she had brothers; there is only one on the roll.

Q Did you ever know any other Sophie Riley than this one? A No.

Q Did this woman go by the name of Sophie Riley? You are quite sure that this woman, Sophie Spaulding, went at one time by the name of Sophie Riley? A Yes.

Q Did you ever hear of her children by a white man, being adopted by the Creek Nation.

A No, never adopted until they threw them out of the \$14 payment; that is the time the Commission went against them and threw them out, and then she came to try her right, and she got through.

Q As I understand you, when Mrs. Spaulding appeared before the Colbert Commission with her children, she was admitted, but her children were not?

A No, because they denied the names, and Mrs. Rogers--

Q What was Mrs. Spaulding's father's name? A Riley, that's all I know.

Q What Riley? A I don't know; I used to hear him called Old Riley.



33 Susie McAphee

Q What was her mother's name? A I don't know.

Mr Bixby, asking Mrs. Spaulding: What was your mother's name?

A Nancy; that's all I know; that's what my father told me.

Yarte ka Harjo, being first duly sworn by Acting Chairman Bixby testified as follows:

Through Interpreter Chekote.

- Q Are you a citizen of the Creek Nation? A Yes sir.
- Q How old are you? A Somewhere in the neighborhood of 90.
- Q How many years have you lived in Indian Territory?
- A He says he has been here a long time; he came from Alabama; since then he has been here all the time.
- Q Did he come from Alabama with the first immigration? A Yes.
- Q Do you know Mrs. Spaulding? A Yes sir.
- Q What was her name when you first knew her?
- A All the name he ever heard was Sophia; all the name he ever knew.
- Q Did he ever know she went by the name of Riley?
- A Yes, that was her father's name.
- Q How old was she when you first knew her?
- A Just a baby when he first knew her.
- Q Did you first know her in Alabama or in the Creek nation?
- A It was here in the Creek Nation.
- Q Do you know her children, Susie, Muskogee, and Otis?
- A Yes sir.
- Q Do you know how Sophie Spaulding came to be a citizen of the Creek Nation? A Yes.
- Q Tell us how it was? A At first old man Riley was a blacksmith in the nation, and had to work in the shop; he said his wife died, and Sophia Spaulding's mother died, and Mr. Riley got an Indian woman by the name of Sophie; and when he was about to die he left the children to the Hickory ground town king.
- Q What was Hickory ground town king's name?
- A Fots-ha-ke-meha--Talanicco; he says he was one, and Tots-hotaka was the other one.
- Q Do you know when Sophia married the man named Spaulding?
- A Yes, they called him Wako-la-Hargo; that is Mr. Spaulding's busk name.
- Q How long have you known him?
- A Right about the close of the war when the people was just getting in.
- Q Is Spaulding a white man? A Yes.
- Q I understood you to say you knew the children of Mr. and Mrs. Spaulding. A Yes.
- Q Do you know whether these children were ever on the Creek rolls?
- A Yes, their names used to be on but the council threw them out somehow; left them out.
- Q Do you know how the names of these children came to be on the Creek rolls in the first place?
- A He says all the way he knewed, she was an adopted citizen; therefore it would make the children citizens too.
- Q Do you know why the Colbert Commission took their names off if they were entitled to be citizens?
- A Yes, he says he was called on to testify in behalf of Mrs. Spaulding and he came there and testified, and went back and told them all about it; that they was left off.
- Q He testified before the Colbert commission as to his knowledge with regard to these children? A Yes sir.
- Q Then the Colbert Commission had the benefit of his knowledge in this case? A Yes sir.
- Q Do you know when Mrs. Spaulding was first recognized as a citi-

4 Susie McAphee et al.

zen of the Creek Nation?

A He said then two town kings went to the principal chief, and the town commission adopted her.

Q Does he know that of his own knowledge or what he has heard?

A Of his own knowledge; he knows that.

Q Was he present when it was done? A He was at home; he said they came back and told him.

Q He was not at the council house when it was done? A No.

Q How does he happen to be so positive in his statement that he knew it was done? A He says after they returned from the council, they called on all the citizens of the town and told them that they made Sophia Spaulding a citizen; that is the reason he knows.

Decision reserved.

### Department of the Interior,

Commission to the Five Civilized Tribes.

I hereby certify, upon my official oath as stenographer to above named Commission, that this transcript is a true, full and correct translation of my stenographic notes.

James R. Brown

DEPARTMENT OF THE INTERIOR  
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application of Sophia Spaulding for the enrollment of her minor children, Susie McAphee, Muskogee Spaulding and Otis Spaulding as citizens of the Creek Nation.

DECISION.

It appears from the record in this case that on October 25, 1899, Sophia Spaulding appeared before this Commission at Okmulgee, Indian Territory and made application for the enrollment of her minor children, Susie McAphee, Muskogee Spaulding and Otis Spaulding as citizens by adoption of the Creek Nation.

It also appears that the name of the said Sophia Spaulding and her said children were upon the rolls of the Creek Nation prior to the year 1895 in which year they were classed as doubtful citizens of the Creek Nation by a Citizenship Committee of the Creek National Council; that the said Sophia Spaulding thereupon made application to the Creek Citizenship Commission for the admission of herself and said children as citizens of the Creek Nation by adoption. The records of said Citizenship Commission now in the possession of this Commission has been examined and on page 477 thereof under date of July 30, 1896, is found recorded a judgment of said Creek Citizenship Commission in which the said Sophia Spaulding is held to be an adopted citizen of the Creek Nation and rejecting the application made on behalf of her said children above named on the ground that the evidence adduced failed to show that they had ever been adopted as citizens of said Nation. It does not appear that the parties above named took an appeal to the United States Courts in Indian Territory, from the decision of said Creek citizenship Commission in accordance with the provision of the act of Congress approved June 10, 1896, ( 29 Stats. 321).

It is therefore the opinion of this Commission that said Susie McAphee, Muskogee Spaulding and Otis Spaulding are not citizens of the Creek Nation by birth or adoption; that the application for their enrollment as citizens of said Nation should be denied and it is so ordered.

The Commission to the Five Civilized Tribes.

Dated at Okmulgee, Indian Territory,  
this the 17th day of May, 1901.

Acting Chairman.

Commissioner.

Commissioner.

(COPY)

Muskogee, Indian Territory, January 15, 1908.

Sophie Spaulding,

Wilcoet, Indian Territory.

Dear Madam:

There is herewith enclosed a copy of the decision of the Commission to the Five Civilized Tribes in the matter of the application made by you for the enrollment of your minor children, Susie McAdams, Muskogee Spaulding and Otis Spaulding, as citizens of the Creek Nation.

The decision, with a copy of the proceedings had in the case, is this day transmitted to the Secretary of the Interior for his review and decision. The final decision of the Secretary will be made known to you as soon as the Commission is informed of the same.

Yours truly,

T. B. Needles.

Commissioner in charge.

1 enclosure B.S.116.  
Registered.

(COPY)

Muskogee, Indian Territory, January 15, 1902.

A. P. McKellop, Esq.,

H. G. Reed, Esq.,

Attorneys for Creek Nation,

Muskogee, Indian Territory.

Gentlemen:

There is herewith enclosed a copy of the decision of the Commission to the Five Civilized Tribes in the matter of the application for the enrollment of Susie Mcaphee, Muskogee Spaulding and Otis Spaulding, as citizens of the Creek Nation.

The decision, with a copy of the proceedings had in the case, is this day transmitted to the Secretary of the Interior for his review and decision. The final decision of the Secretary will be made known to you as soon as the Commission is informed of the same.

Yours truly,

T. B. Needles.

Commissioner in charge.

1 enclosure MOKAR-116.  
Registered.

(COPY)

Muskogee, Indian Territory, January 15, 1902.

The Honorable,

The Secretary of the Interior.

Sir;

There is herewith transmitted the record of proceedings in the matter of the application of Sophia Spaulding for the enrollment of her minor children, Susie McAphee, Muskogee Spaulding, and Otis Spaulding, as citizens of the Creek Nation, including the decision of the Commission, dated May 17, 1901, denying said application.

Respectfully,

T. B. Needles.

Commissioner in charge.

1 enclosure  
Creek 38.

Through the Commissioner  
of Indian Affairs.



(COPY)

Refer in reply to the following:

Land.  
3834-1902.

Department of the Interior,  
Office of Indian Affairs,  
Washington, January 24, 1902.

The Honorable

The Secretary of the Interior.

Sir:

I have the honor to transmit herewith a report made January 15, 1902, by the Commission to the Five Civilized Tribes, forwarding the record of proceedings in the matter of the application of Sophia Spaulding for the enrollment of her minor children, Susie McAphee, Muskogee Spaulding and Otis Spaulding as citizens of the Creek Nation.

The Commission found that the name of the said Sophia Spaulding and her children above mentioned were upon the rolls of the Creek Nation prior to the year 1895, in which year they were classed as doubtful citizens of the Creek Nation by a Citizenship Committee of the Creek National Council; that the said Sophia Spaulding thereupon made application to the Creek Citizenship Commission for the admission of herself and her children as citizens of the Creek Nation by adoption; that said Commission found that Sophia Spaulding was an adopted citizen of the Creek Nation and admitted her as such, but rejected the application in behalf of her children on the ground that the evidence failed to show that they had ever been adopted by the Creek Nation, and the Commission to the Five Civilized Tribes reports that it does not appear that the parties above-named

took an appeal under the provisions of the act of June 10, 1896 (29 Stats., 321). It therefore rejected the application for the enrollment of Susie McAphee, Muskogee Spaulding and Otis Spaulding.

In the opinion of this office the action of the Commission is correct, and it is therefore respectfully recommended that their report be approved.

Very respectfully,  
Your obedient servant,

W. A. Jones,  
Commissioner.

WCV  
D

Inclosure.

(COPY)

D.O.No. 1569-1902.

6528.

L.R.S.

Department of the Interior.  
Washington.

F.

I.T.D. 521-1902.

January 28, 1902.

Commission to the Five Civilized Tribes,

Muskogee, I. T.

Gentlemen:

January 24, 1902, the Commissioner of Indian Affairs transmitted the papers in the matter of the application of Sophia Spaulding for the enrollment of her minor children, Susie Moaphee, Muskogee Spaulding and Otis Spaulding, as citizens of the Creek Nation.

On May 17, 1901, you denied said application. It appears that prior to the year 1895 the names of Sophia Spaulding and her children were upon the rolls of said nation; that the Citizenship Commission in 1896 held that Sophia Spaulding was an adopted citizen of the nation, but rejected the application on behalf of her children because the evidence failed to show that they had ever been adopted as citizens.

The Department affirms your decision in this case and you will so inform the applicants. Copy of the Commissioner's letter is inclosed herewith.

Respectfully,

Thos. Ryan

Acting Secretary.

EMD.

1 inclosure.

COMMISSIONERS  
HENRY L. DAWES.  
TAMS BIRBY.  
THOMAS B. NEEDLES.  
C. R. BRCKINRIDGE.

ALLISON L. AYLESWORTH,  
SECRETARY

DEPARTMENT OF THE INTERIOR,  
COMMISSION TO THE FIVE CIVILIZED TRIBES.

(COPY)

ADDRESS ONLY THE  
COMMISSION TO THE FIVE CIVILIZED TRIBES

Muskogee, Indian Territory, February 5, 1902.

Sophia Spaulding,

Wildecat, Indian Territory.

Dear Madam:

You are hereby advised that the Secretary of the Interior, under date of January 28, 1902, affirmed the decision of the Commission, dated May 17, 1901, denying the application made by you for the enrollment of your minor children, Susie McAlphee, Muskogee Spaulding and Otis Spaulding, as citizens of the Creek Nation.

Yours truly,

Tams Birby

Acting Chairman.

COMMISSIONERS  
HENRY L. DAWES.  
TAMS BIXBY.  
THOMAS B. NEEDLES.  
C. R. BROCKENRIDGE.

ALLISON L. AYLESWORTH.  
SECRETARY.

DEPARTMENT OF THE INTERIOR.  
COMMISSION TO THE FIVE CIVILIZED TRIBES.

(COPY)

ADDRESS ONLY THE  
COMMISSION TO THE FIVE CIVILIZED TRIBES

Muskogee, Indian Territory, February 5, 1902.

A. P. McKellop, Esq.,

H. C. Reed, Esq.,

Attorneys for Creek Nation,

Muskogee, Indian Territory.

Gentlemen:

You are hereby advised that the Secretary of the Interior, under date of January 28, 1902, affirmed the decision of the Commission, dated May 17, 1901, denying the application made by Sophia Spaulding for the enrollment of her minor children, Susie McAphee, Muskogee Spaulding and Otis Spaulding, as citizens of the Creek Nation.

Yours truly,

Tams Bixby  
Acting Chairman.

8010  
Creek No. 26.

Muskogee, Indian Territory, March 14, 1903.

Sophia Spaulding,

Grayson, Indian Territory.

Dear Madam:

Receipt is acknowledged of your letter of the 9th instant, in which you make inquiry as to the status of yourself and your children, Susie McAlphee, Muskogee Spaulding and Otus Spaulding, as citizens of the Creek Nation.

In reply, you are advised that the records of the Commission show that you have been listed for enrollment as a citizen of the Creek Nation; that your name is included in the partial roll of Creek citizens approved by the Secretary of the Interior, and that you have taken an allotment of land in said nation.

You are further advised that on May 17, 1901, the Commission denied the application for the enrollment of Susie McAlphee, Muskogee Spaulding and Otus Spaulding, as citizens of the Creek Nation, and that the decision of the Commission was affirmed by the Secretary of the Interior, January 28, 1902.

Respectfully,

Chairman.



CR EN 37

CR EN 37

DEPARTMENT OF THE INTERIOR,  
COMMISSION TO THE FIVE CIVILIZED TRIBES,  
MUSKOGEE, INDIAN TERRITORY.

In the matter of the application of James Silas Posey for the enrollment of himself and his six minor children, Andy, Thomas Uriah, Lena Lee, Norah Susie, Kennie and Boyce Walker Posey, as citizens of the Creek Nation.

It appears from the record that on May 20, 1901, a decision was prepared denying the application for the enrollment of James Silas Posey and his six minor children, Andy, Thomas Uriah, Lena Lee, Norah Susie, Kennie and Boyce Walker Posey, under the provisions of section 21 of the act of Congress approved June 28, 1898, on the ground that they were nonresidents of the Indian Territory on said date.

Section 29 of the Creek agreement, ratified May 25, 1901, among other things, provides:

"Said commission shall have authority to enroll as Creek citizens \* \* \* \* \* such other recognized citizens found on the Creek rolls as might, by reason of nonresidence, be excluded from enrollment by section twenty-one of said Act of Congress approved June twenty-eighth, eighteen hundred and ninety-eight: Provided, That such nonresidents shall, in good faith, remove to the Creek Nation before said commission shall complete the rolls of Creek citizens as aforesaid."

The testimony taken in support of the application herein on July 14, 1901, shows that the applicants, James Silas Posey, Andy, Thomas Uriah, Lena Lee, Norah Susie, Kennie and Boyce Walker Posey, are clearly entitled to enrollment under the provision of law above quoted, and they are properly listed for enrollment on Creek Card, Field No. 3865.

It does not appear that the representatives of the Creek Nation have made any objection to the enrollment of the applicants herein and the transmission to the Department of the record in this case is therefore withheld in accordance with instructions of the Acting Secretary of the Interior, under date of February 1, 1902, as follows:

"Do not send records of evidence in Creek cases where you find the applicants are clearly entitled to enrollment and no objection is made by representatives of Creek Nation."

DEPARTMENT OF THE INTERIOR,  
COMMISSION TO THE FIVE CIVILIZED TRIBES,  
MUSKOGEE LAND OFFICE, November 13, 1899.

In the Matter of the Application of :  
James S. Possey for himself and children :  
for enrollment as citizens of the Creek Nation.

-----

By Mr. Bixby:

- Q What is your name? A James Elias Possey.
- Q What is your age? A Forty-two. Andy
- Q What are the names of your children? A ~~Thomas~~ <sup>Thomas</sup> ~~Wright~~ <sup>Wright</sup>, twenty-one next September; Thomas Brian, 14; Lena Lee, 10; Norah Susie, 5; Kennie, 2; and Boyce Walker 1.
- Q Who is Henry W.? A That is Kennie; there is a mistake some way or other.
- Q Were you and your children admitted to citizenship in the Creek Nation by the Dawes Commission? A Yes sir.
- Q Was there any appeal made to the United States courts? A I don't know; my brother was attending to that; he just wrote me that me and my children was enrolled by the Dawes Commission.
- Q When? A In '96 or '97.
- Q You know nothing about any appeal to the United States courts? A I don't know what my brother did; he's here.
- Q Where do you live? A Between the two Billie Creeks, Big Billy and Little Billy, west of Wagoner about 4 miles.
- Q How long have you lived there? A I moved there--I commenced work there along the first of March. I moved there the last of March.
- Q This year? Where are your children living? A At home, except my oldest one; he is working at a ranch.
- Q Where did you live prior to the time you took up your residence west of Wagoner? A I was staying with my brother while they was improving over there. I lived in Limestone, Tex., before I came here.
- Q When did you leave Limestone, Tex.? A We left there must have been in November or December.
- Q '98? A Yes sir.
- Q Were your children living there too? A Yes sir.
- Q They came here with you? A Yes sir.
- Q Where were your children born? A In Barn, Texas.
- Q Did you ever live in the Creek Nation prior to the time you came here in November, 1898? A We come--the last 4 or 5 years we have been living in Limestone Texas.
- Q Yes, but did you ever live in the Creek Nation before you came in November, 1898? A We broke up housekeeping and I sent my family here; that has been five years ago, and then she came back; broke up housekeeping and she came back and we bought a hotel in Groesbeck, Limestone. I have been up here after she came. We was aiming to move up here then.
- Q Where were you born? A I was born in Limestone, Co., Tex.
- Q As a matter of fact, you never lived in the Creek Nation until you moved here in November, 1898? A No, You see I aimed to come here--I sent my wife here.
- Q I am not asking about your sending your wife here? A I have staid here a month's time. I come here to council one month, and I come here to my brothers after he come, and helped him build a house; I counted on living here.
- Q Where was your family when you was living here? A They come after that.
- Q Answer my question; where was your family while you were here? A Limestone.

1- James B. Pessey.

- Q Do you know the title of the case in which your name appears before the Dawes Commission? A Yes, and whether or not your name was mentioned in the bill is not made by Thomas B. Pessey at all for citizenship in the Creek Nation. A No, neither was an Indian, and my brother was a settler in it.
- Q Was your name in the report? A Yes, certainly.
- Q There were the names of Thomas B. Pessey et al? A Yes, and his children; there was four boys of us.

By Mr. Bixby: It appears from the testimony that these applicants have not complied with the terms of the act of June 25, 1906 as regards residence. Sect. 11 of said act provides that no person shall be enrolled who has not heretofore removed to and in good faith settled in the nation in which he claims citizenship. The enrollment of these applicants is denied.

Additional testimony may be found in held up case No. 151.

#### Department of the Interior.

Commission to the Five Civilized Tribes.

I hereby certify, when not signed with stenographic notes to above named Commission, that this transcript is a true, full and correct translation of my stenographic notes.

Francis R. Brown

DEPARTMENT OF THE INTERIOR.  
COMMISSION TO THE FIVE CIVILIZED TRIBES.  
MUSKOGEE, INDIAN TERRITORY, APRIL 15, 1901.

R E H E A R I N G .

In the matter of the application for enrollment as citizens by blood of the Creek Nation of James Silas Posey and his minor children. James Silas Posey, having been sworn and examined by Acting Chairman, Tams Bixby, testifies as follows:

- Q What is your name? A James Silas Posey.  
Q You are the same James S. Posey who gave testimony before this Commission on November 19, 1899, in the matter of the application of James S. Posey in behalf of himself and children as citizens of the Creek Nation, are you? A Yes sir.  
Q Were you and your children admitted to citizenship in the Creek Nation by the Dawes Commission? A Yes sir.  
Q Do you remember the title of the case in which you made application? A I don't know as I understand you, Mr. Bixby.  
Q Well, I don't know how I can put it plainer.

Records of citizenship examined and the names of James S. Posey, A. W. M. Posey, Thomas A. Posey, Lela L. Posey, Nora S. Posey and Infant Posey are found among the names of persons admitted to citizenship in the Creek Nation in 1896 by the Dawes Commission. The record shows no appeal taken as to these applicants.

- Q Your child, Boyce Walker, was not born at the time of your admission? A No sir.  
Q How old is he? A He is two years old past, Mr. Bixby.  
Q Have you filed an affidavit of birth for Boyce Walker with the Commission? A Well, I wrote and got one; I have never returned it back.  
Q Did the Nation appeal your case to the United States Court? A No sir, I don't know anything of such a thing, no sir, never heard of no appeal at all.  
Q Your name nor the names of your children have never been on the roll of the Creek Nation have they? A Oh, yes, they have been on the roll, yes sir, the oldest ones has been on the roll.  
Q Well, how did it happen, then, that you applied to the Dawes Commission in 1896? A Well, we was all of us scratched off once and the Dawes Commission put us back.  
Q Oh, you were "scratched off" by the Nation? A Yes sir.  
Q When was that? A About '88.  
Q Why was you "scratched off"? A Well, Ellis Childers can tell you about that; he said they scratched off in each district.  
Q You and all your children were born in Texas were you not?  
A Yes sir.  
Q What place were you born? A Born in Armstrong County, never was no where else except in this country.  
Q Did you ever vote in Texas? A Yes sir.  
Q How many times? A Well, I don't know, there is a whole lot of times I could have voted but I didn't vote.  
Q How many times did you vote? A I voted several times.



- Q Did you ever vote for president? A For president? No sir; well, I don't know, I may have done it one time.
- Q You voted generally for local officers didn't you, town and county officers? A Oh well, county officers, I have voted for county officers.
- Q Did you own any property in Texas? A Well, I never to say owned any land to have any direct deed in my life that I know of.
- Q Did you own any property? A Why, I have owned stock, something that a way, a few stock.
- Q Did you farm? Were you a farmer? A Yes sir.
- Q Did you rent? A Rent? I rented land all my life.
- Q Did you ever have a place on a contract? A Contract?
- Q That is a contract for a deed? A Oh, well, I have two or three times bought land on a contract, but I never was able to pay for it.
- Q Never was able to pay for it? A No sir, never able to pay for it.
- Q Well, you say your name was at one time upon the Creek roll; how did you get it upon the Creek roll originally? A My father proved up in 1883, T. E. Posey.
- Q What proportion of Creek blood do you claim to have? A Well, I claim this; my father's father and mother they was half each; that would make him a half Indian and my mother, she was not Indian at all; don't know what you would call it.
- Q What was your father's name? A T. E. Posey; Thomas E. Posey.
- Q Is he living? A No sir, he died up here year before last.
- Q Was he a Creek citizen? A Yes sir.
- Q How did he get on the roll? A Well, he proved up in 1883.
- Q What is your mother's name? A Hughes.
- Q What is her given name? A Huldy Hughes.
- Q That was her name before she was married? A Yes sir.
- Q Was she Indian? A No sir.
- Q She was a white woman? A Yes sir.
- Q Did she ever claim to be an Indian? A My mother?
- Q Yes? A No sir.
- Q Is she living? A No sir, she died last Christmas a year ago at Wagoner.
- Q She never made application to any Indian tribe for enrollment?
- A No sir, she didn't.
- Q What is your wife's name? A Name is Emily.
- Q Emily? A Emily Posey.
- Q Is she living? A Yes sir.
- Q Does she claim to be an Indian? A No sir.
- Q When were you married? A I was married-- let's see, it's been, -- I believe it was '78 or '79 I have got it on record at home, bible record.
- Q Where were you married? A Armstrong County.
- Q Texas? A Yes sir.
- Q Was your wife a Texas woman? A She, I believe, come from Arkansas; my oldest child, Mr. Bixby, is twenty one the thirteenth day of last September, that is Andy.
- Q Did you draw the Twenty nine dollar payment? A Yes sir, and my children Andy, and Tommy and Lela I think drew that.
- Q How did you get on the '90 roll? How did you and your children get on the roll of 1890? A Eighteen and ninety?
- Q Yes sir.
- (Mr. McKellop says: On the twenty nine dollar payment roll)
- Q How did you get on that roll? You had never been admitted?
- A I will tell you how this was: Joe Allen married an aunt of mine, my father's sister, and he was the first to move here and we give him a power of attorney to act for us and if any payments ever come up he was to draw it.



James S. Posey 3

- Q That was when you lived in Texas? A Yes sir, I lived in Texas when the money was sent to me.
- Q Well, you had never been admitted as a member of the Creek tribe? A Well, only my father--
- Q I am talking about you. Had you ever been admitted prior to 1890? A Only through power of attorney; father and all of us in 1883 were admitted.
- Q But you were "scratched off" in 1885? A '96.
- Q Well, you said '85? A I said '96 or '97.
- Q You told me a little while ago that your names were "scratched off" in '85; now what do you mean? A My first statement in '86--
- Q Do you wish to say now that you were "scratched off" in '95? A In '86-- well, it might have been '96, I know it was scratched off some five or six years ago.
- Q Well, that would have been '96; '85 would have been fifteen years ago. Who scratched your name off? A Childers is the man that did it.
- Q Did the council act on it or the Citizenship Committee or the Colbert Committee? A Well, I believe he said they scratched every district, every one had to scratch and they just scratched so many I don't know what cause.
- Q Didn't they "scratch off" those who they considered noncitizens? A Well, if they did they scratched my brother and why he was living here and had proved up but I don't see why they would do that when they were living here.
- Q Your idea is, then, that they just went through the roll and "scratched off" names arbitrarily? A Well, I don't know about that.
- Q Well, I just want to find out what you do know; of course if you don't know anything about it it is proper for you to say so. What town in the Creek Nation do you claim to belong to? A Broken Arrow Town.

Roll of 1890, authenticated roll of Creek citizen, examined, Broken Arrow Town, and the names of this applicant and his children are not found thereon.

- Q Did you get the \$29.00 payment for yourself and children? A Yes sir

Doubtful list of citizens of the Creek Nation, which gives the names of parties rejected by Council in 1895 examined, Broken Arrow Town, and thereupon are found the names of James L. Posey, Andy Posey, Thomas Posey, Lela Posey and Nora Posey.

Anna Bell, having been first duly sworn, on her oath states that, as stenographer to the Commission to the Five Civilized Tribes, she reported in full all proceedings had in the above entitled cause on April 15, 1901, at Muskogee, Indian Territory, and that the above and foregoing is a full, true and correct transcript of her stenographic notes in said cause on said date.

*Anna Bell*

Subscribed and sworn to before me this 15 day of April, 1901.

*Philip B. Hopkins*  
Notary Public.

Department of the Interior  
Commission to the Five Civilized Tribes.  
Okmulgee, Indian Territory, May 18, 1901.

In the matter of the application of James S. Posey for enrollment as a citizen of the Creek Nation.

James S. Posey being first duly sworn by Acting Chairman Bixby, testified as follows:

Examination by Mr. Jesse Hill, attorney for the applicant.

- Q What is your name? A James S. Posey.
- Q What is your age and address? A 45 this coming December. Wagoner is my post office. I will be 45 the 10th of this December coming. I was born in '67.
- Q Are you a citizen of the Creek Nation? A Yes sir.
- Q When were you first admitted to citizenship in the Creek Nation? A February, 1883 or March somewhere along there in 1883.
- Q By what court or tribunal were you admitted to citizenship? A District court I reckon.
- Q Who was judge of the court? A Judge Reed. Father proved up my rights, his and his children.
- Q Have you ever been on the tribal rolls of the Creek Nation? A I was put on the rolls and was proved up in 1883.
- Q Have you ever drawn any money from the Creek Tribe of Indians? A Drew the \$ 29.00.
- Q Did you draw the \$14.40 payment? A No sir, did not.
- Q Do you know why you didn't? A I understand I was took off the roll, knocked off the roll was the reason I didn't draw it.
- Q What name did you draw the \$29.00 payment under? A J. S. Posey and my two boys- two children.
- Q What are your childrens names who draw the \$29.00? A Andrew Posey and Thomas Posey.
- Q Do your names appear upon the 1890 authenticated roll? A Should be there yes sir.
- Q What town do you belong to? A Broken Arrow Town.
- Q With what family were you enrolled in 1890? A I was enrolled with my brothers. There is four brothers of us.
- Q Were you enrolled with your father also? A Yes sir.
- Q What was your father's name? A T. B. Posey.
- Q Did you draw this money under the name of James Posey? A It should have been under J. S. Posey. There is some mistake some where.
- Q What name ~~was~~ was it drawn under? A It should be J. S. Posey.
- Q I didn't ask you what it should have been. What name did you draw it under? A I just made a list of my family, my children and myself and also brothers all at the same time and sent them in to May with power of attorney to draw it.

By the Commission.

Examination of the authenticated roll of Broken Arrow Town for the year 1890 discloses the fact that the name of J. S. Posey does not appear thereon.

By Mr. Hill.

- Q Is there any such person in your family or your father's family as Joseph Posey? A No sir, there is not.
- Q Was that Joseph Posey intended for you? A It should have been. My three brothers come in there and my children and my

James S. Posey 2

brother's children and we all drew at the same time.

Q Who was T. B. Posey? A That was my father's name.

Q Who is Robert Posey? A That must have been Uncle Bill, Posey's boy.

Q Who is Walter Posey? A A brother of mine.

Q Who is J. M. Posey? A Brother.

Q Who is A. W. Posey? A That's my boy's name.

Q That your son? A Yes sir my oldest one.

Q Who is T. W. Posey? A That's the next oldest boy of mine, Thomas Posey.

Q Do you know of any person in the Posey family by the name of T. W. You say T. W. is your son Thomas Posey? A Yes sir.

Q Who is Annie L. Posey? A John- My brother's daughter.

Q Who is John W. Posey? A He's got a boy John W. John Wiley Posey is his name.

Q Who is G. A. Posey? A A cousin of mine that lives right there by me.

Q Are these people that I have named all relatives of yours and belong to the family of T. B. Posey do they not? A Yes sir.

Q Is T. B. Posey living or dead? A Dead. He died two years ago.

By the Commission.

An examination of the authenticated roll of 1890 of Broken Arrow Town page 224, discloses the fact that the name of Joseph Posey appears as the third member of the family of T. B. Posey.

Eliza H. Allen being duly sworn testified as follows:

Examination by Mr. Hill.

Q What is your name? A Eliza H. Allen.

Q How old are you? A Fifty one.

Q Where do you live? A I live about eight miles from Mounds.

Q Are you a member of the Creek Tribe of Indians? A Yes sir.

Q Do you know James S. Posey? A Yes sir a nephew of mine.

Q Are you related to James S. Posey? A Yes sir I am his aunt.

Q Was his father your brother? A Yes sir.

Q State if you know when James S. Posey was first recognized as a citizen of the Creek Nation? A In 1883 the 16th day of July, 1883.

Q By what court was he recognized? A By the Creek court.

Q Where was that court situated? A When he proved his right in 1883 we didn't have to come before Council. Just before the Judge you know and Judge Reed was the judge.

Q Judge H. C. Reed? A Yes sir.

Q Do you know whether the name of James S. Posey appears upon the roll of the Creek Nation or not? A Yes sir it was that way once but you know they would fix them and take it out and put it on and it got down wrong Joseph Posey.

Q Did you draw the money for him in 1890? A Yes sir.

Q Did you draw for any other member of his family? A Yes sir all his children. All of T. B. Posey's children and grand children.

Q What are the names of the children of James S. Posey that you drew for? A I will just tell you how I did that. When I drew that money brother lived in the state of Texas. He sent me a power of attorney to draw for his children and grand children and when I drew for the children of course I didn't know. I turned it over to Judge Moore. He's got the paper now. I can't tell all the names of the grand children.

James S. Posey 3

Q Who are A. W. Posey and T. W. Posey? A They are his children. Jim told me that they was his children.

Q Do you know how they changed his name from James Posey to Joseph Posey? A In setting it down the Creeks didn't spell it like we do. They would make a heap of mistakes. They would put it down wrong and we would have it changed. It was through them that they got it wrong.

Examination by Acting Chairman Bixby.

Q When did Mr. Posey first take up his residence in the Indian territory? A This one that is here?

Q Yes James S. Posey? A I couldn't tell you just exactly how long it has been. You will have to ask him that ~~yourself~~ himself.

Q Was he residing here when you got the \$29.00 for him? A No sir.

Q Had he ever resided here before that time? A No sir his father proved his right.

Q He came here a year or two ago didn't he? A Yes sir.

A. P. McKellop being duly sworn testified as follows:

Examination by Mr. Hill.

Q Please state your name, age and place of residence? A A. P. McKellop, 43 years old, address Muskogee.

Q Are you a member of the Creek Tribe of Indians? A Yes sir

Q Are you acquainted with the language of the Creek Tribe of Indians? A Yes sir.

Q You know the Creek alphabet? A Yes sir.

Q Please state whether or not there is a letter P in the Creek alphabet? A yes sir there is.

Q Explain the relation of the sounds of the letter B and P as in the Creek alphabet? A There is no B sound in the Creek language. The letter B does not occur in the Creek alphabet. The letter P does.

Q Is the letter P as used in the Creek language - does it have the sound of both B or P as in the English language? A There is no sound of B in the Creek alphabet.

Myra Young having been first duly sworn upon her oath states that as stenographer to the Commission to the Five Civilized Tribes she reported in full all proceedings had in the above entitled cause on the 18th day of May, 1901, and that the above and foregoing is a full, true and correct transcript of her stenographic notes of said proceedings on said date.

*Myra Young.*

Subscribed and sworn to before me this 18th day of May, 1901, at Okmulgee, Indian territory.



Acting Chairman.

DEPARTMENT OF THE INTERIOR  
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application of James Silas Posey for the enrollment of himself and his six minor children, Andy, Thomas, Uriah, Lena Lee, Norah Susie, Kennie and Boyce Walker Posey as citizens of the Creek Nation.

D E C I S I O N.

It appears from the record in this case that on November 15th, 1899, James Silas Posey appeared before this Commission at Muskogee, Indian Territory and made application for the enrollment of himself and his six minor children, Andy, Thomas Uriah, Lena Lee, Norah Susie, Kennie and Boyce Walker Posey as citizens of the Creek Nation. That said application was on the same date denied; that a re-hearing was granted and testimony offered on April 15, 1901 and additional testimony offered on May 18, 1901, tending to show that upon the 1890 authenticated Creek roll, the name of the said James Silas Posey appears as Joseph Posey; the name of the said Andy Posey as A. W. Posey and the name of the said Thomas Posey as T. W. Posey.

It also appears that all of the said applicants except Boyce Walker Posey were admitted to citizenship in 1896 by the Commission to the Five Civilized Tribes in accordance with the provisions of the act of Congress approved June 10, 1896, ( 29 Stats. 321) and that the said Boyce Walker Posey was born since the admission of his father as aforesaid, proof of the birth of the said Boyce Walker Posey on November 25, 1898, having been filed with this Commission on May 2, 1901.

It further appears from the testimony of the said James Silas Posey given on November 15, 1899, that the applicants in this case were all residents of the state of Texas on June 28, 1898, and that they removed to and settled in the Creek Nation in November, 1898.

The act of Congress approved June 28, 1898, ( 30 Stats. 495) provides:

"No person shall be enrolled who has not heretofore removed to and in good faith settled in the nation in which he claims citizenship: Provided, however, That nothing contained in this act shall be so construed as to militate against any rights or privileges which the Mississippi Choctaws may have under the laws of or treaties with the United States."

It is therefore the opinion of the Commission that in accordance with the provision of law above quoted the application of James Silas Posey for the enrollment of himself and his six minor children as citizens of the Creek Nation should be denied, and it is so ordered.

The Commission to the Five Civilized Tribes.



Acting Chairman.

Dated at Okmulgee, Indian Territory,  
this the 20th day of May, 1901.



DEPARTMENT OF THE INTERIOR,  
COMMISSION TO THE FIVE CIVILIZED TRIBES.  
Muskogee, Indian Territory, July 14th, 1901.

Appearance for Applicant, Jess Hill, Esq.  
Appearance for Creek Nation, H.C. Reed, Esq.

In the matter of the application of James Silas Posey for the enrollment of himself, and his six minor children, Andy, Thomas, Uriah, Lena Lee, Nora Susie, Kennie and Boyce Walker Posey, under the agreement approved May 25, 1901.

James Silas Posey, being duly sworn, testified as follows:

Examination by the Commission:

- Q As a citizen of what Nation are you now making application for the enrollment of yourself and your six minor children?  
A Creek Nation.  
Q What is your name? A James Silas Posey.  
Q What is your age? A Thirtynine years.  
Q What is your Post Office address? A Wagoner, Ind. Ter.  
Q What are the names and ages of your minor children for whom you make application for enrollment?  
A Andy W. Posey, age twentytwo; Thomas Posey, age eighteen; Lena Lee Posey, age twelve; Nora Susie Posey, age nine; Kennie Posey, age six; Boyce Walker Posey, age three.  
Q Have you and these minor children ever been recognized by the Tribal authorities of the Creek Nation as citizens of the Creek Nation? A Yes-sir.  
Q Does your name and the names of your minor children appear on the Tribal Rolls of the Creek Nation?  
A The two oldest and myself do.  
Q Are all these children now living? A Yes-sir.  
Q Do they live with you? A Yes-sir.  
Q Where do you live? A Three and a half miles west of Wagoner.  
Q Do you make your residence there? A Yes-sir.  
Q How long have you lived there? A We came there this Winter three years ago.  
Q Where did you live prior to that time? A Limestone County, Texas.  
Q How long did you live there? A Born and raised there.  
Q Where were the children born. A All born in Texas.  
Q What is your Father's name? A T. B. Posey.  
Q Is he living? A No-sir.  
Q Is his name on the Rolls of the Creek Nation? A Yes-sir.  
Q To what town of the Creek Nation does he belong?  
A Broken Arrow.  
Q What is the name of your Mother? A Huldy Posey.  
Q Is she living? A No-sir.  
Q Is her name on any of the Rolls of the Creek Nation? A Yes-sir.  
Q What is her citizenship? A She has no Indian blood at all  
Is a United States woman.  
Q Does your name appear on the 1890 Authenticated Rolls of the Creek Nation? A I claim it is there.  
Q Does the names of any of your children appear on the 1890 Roll? A Yes-sir, Two, Andy and Thomas.  
Q How does your name and the names of your minor children appear on the 1890 Rolls? A They have Andy's, the oldest, which should be Andy W. Posey; the second they have T. B. Posey and it should be T. W. Posey. They have my name Joseph which should be J. S. Posey.



DEPARTMENT OF THE INTERIOR,  
COMMISSION TO THE FIVE CIVILIZED TRIBES.  
Muskogee, Indian Territory, July 14th, 1901.

Appearance for Applicant, Jess Hill, Esq.  
Appearance for Creek Nation, H.C.Redd, Esq.

In the matter of the application of James Silas Posey for the enrollment of himself, and his six minor children, Andy, Thomas, Uriah, Lena Lee, Nora Susie, Kennie and Boyce Walker Posey, under the agreement approved May 25, 1901.

James Silas Posey, being duly sworn, testified as follows:

Examination by the Commission:

- Q As a citizen of what Nation are you now making application for the enrollment of yourself and your six minor children?  
A Creek Nation.  
Q What is your name? A James Silas Posey.  
Q What is your age? A Thirtynine years.  
Q What is your Post Office address? A Wagoner, Ind. Ter.  
Q What are the names and ages of your minor children for whom you make application for enrollment?  
A Andy W. Posey, age twentytwo; Thomas Posey, age eighteen; Lena Lee Posey, age twelve; Nora Susie Posey, age nine; Kennie Posey, age six; Boyce Walker Posey, age three.  
Q Have you and these minor children ever been recognized by the Tribal authorities of the Creek Nation as citizens of the Creek Nation? A Yes-sir.  
Q Does your name and the names of your minor children appear on the Tribal Rolls of the Creek Nation?  
A The two oldest and myself do.  
Q Are all these children now living? A Yes-sir.  
Q Do they live with you? A Yes-sir.  
Q Where do you live? A Three and a half miles west of Wagoner.  
Q Do you make your residence there? A Yes-sir.  
Q How long have you lived there? A We came there this Winter three years ago.  
Q Where did you live prior to that time? A Limestone County, Texas.  
Q How long did you live there? A Born and raised there.  
Q Where were the children born. A All born in Texas.  
Q What is your Father's name? A T. B. Posey.  
Q Is he living? A No-sir.  
Q Is his name on the Rolls of the Creek Nation? A Yes-sir.  
Q To what town of the Creek Nation does he belong?  
A Broken Arrow.  
Q What is the name of your Mother? A Huldy Posey.  
Q Is she living? A No-sir.  
Q Is her name on any of the Rolls of the Creek Nation? A Yes-sir.  
Q What is her citizenship? A She has no Indian blood at all is a United States woman.  
Q Does your name appear on the 1890 Authenticated Rolls of the Creek Nation? A I claim it is there.  
Q Does the names of any of your children appear on the 1890 Roll? A Yes-sir, Two, Andy and Thomas.  
Q How does your name and the names of your minor children appear on the 1890 Rolls? A They have Andy's, the oldest, which should be Andy W. Posey; the second they have T. B. Posey and it should be T. W. Posey. They have my name Joseph which should be J. S. Posey.

Q Who is T. B. Posey? A My Father.  
 Q Who is T. W. Posey? A That is my Boy, Tommy's name.  
 Q Who is A. W. Posey? A That is my boy's name.  
 Q Who drew the money for you in 1890? A Mrs. Eliza Allen.  
 1890 Authenticated Roll of the Creek Nation examined and the names of Jos. Posey, A. W. Posey, T. W. Posey found thereon at pages 224 and 225.  
 Q State who were the numbers of your Father's family in 1890; that is, who drew the \$29.00. A R.G. Posey, who lives in Texas, myself, J. S. Posey, Walter Posey, my Brother and J. M. Posey. These are the four Brothers. My two children Andy and Tom drew, and S. E. Posey, Annie Posey and John W. Posey. G. A. Posey drew at the same time we drew, and the only child he has is Edward Posey.  
 Q Are these your Brothers and Sisters you have named.  
 A Yes-sir. Except G. A. Posey, who is my Uncle's son. 1890 Authenticated Rolls of the Creek Nation examined and the names of T. B. Posey, Robert Posey, Jos. Posey, Walter Posey, J. M. Posey, A. W. Posey, T. W. Posey, S. E. Posey, Annie L. Posey, John W. Posey, G. A. Posey and Burditt M. Posey found thereon, at pages 224 and 225.  
 1890 Pay Rolls Broken Arrow town examined and the above named found thereon at pages 892 and 903 inclusive. It appears that the name Posey has been changed to Posey.  
 Q Do your names appear on the 1895 Authenticated Census Rolls of the Creek Nation? A No.  
 Q How does it happen your name does not appear on the 1895 Roll?  
 A I do not know how that was.  
 Q Is this the first time you have ever made application for enrollment? A After we found we were not on the 1895 and 1896 Rolls we made application.  
 Q List of citizens admitted by the Commission to the Five Civilized Tribes examined and the names of James Posey, A.W.M. Posey, Thomas W. Posey, Lela L. Posey, Nora S. Posey and Infant Posey found to have been admitted by the Commission to the Five Civilized Tribes.  
 Q Are the above named your family?  
 A Yes-sir, but I have two children who are not there who were born since.  
 Q Who is the Father of the Father of these minor children?  
 A Myself.  
 Q Who is their Mother? A My Posey.  
 Q Is she a citizen of the Creek Nation? A No-sir, but of the United States.  
 Q Is there any addition statement in ~~your~~ to your application that you desire to make at this time?  
 A Only My Father proved up and drew the \$29.00 payment. My Father's sister drew the money and sent it to myself and the two children. We gave her power of attorney to draw for us.

It also appears from the records of this Commission that on the 20th day of May 1901, the application of James Silas Posey for the enrollment of himself and minor children was refused for the reason that the said applicants were non-residents of the Indian Territory prior to June 28th 1898, and did not in good faith remove and settle in the Creek Nation in accordance with the provisions of the Act of Congress approved June 28, (30 Stats. 495), which reads as follows: "No person shall be enrolled who has not heretofore removed to and in good faith settled in the Nation in which he claims citizenship."

At a later date you will be furnished with copy of a decision of the Commission with reference to the application made by you at this time for the enrollment of yourself and your minor children as citizens of the Creek Nation, which will be mailed to you at your present Post Office address given in your tes-

timony.

Eliza H. Allen, being first duly sworn testified in behalf of the applicant as follows:

- Q What is your name? A Eliza Allen.  
Q Where do you live? A I live near Mound, Ind. Ter.  
Q How old are you? A Fifty-one.  
Q Are you a member of the Creek Tribe of Indians? A Yes-sir.  
Q Are you acquainted with J. S. Posey? Yes-sir, he is a Nephew of mine.  
Q Did you look after the enrollment of J. S. Posey for the drawing of the \$29.00 in 1890? A Yes-sir.  
Q State, if you know, how his name appeared on the 1890 Roll.  
A It appeared there as Joseph Posey. His name is J. S. Posey but they have it down Joseph.  
Q Did you furnish his name to the Creek authorities for enrollment? A No-sir. Father did.  
Q Did you draw the \$29.00 for J. S. Posey? A Yes-sir.  
Q Did you also draw it for his children? A Yes-sir, I drew it for all of them. I could not call over all the names, but my Brother, T. B. Posey and his children.  
Q Is J. S. Posey related to T. B. Posey? A Yes-sir, his son.  
Q State if you know, when J. S. Posey was first admitted to citizenship in the Creek Nation. A It was in 1883.  
Q Who was he admitted by? A By the Courts of the Creek Nation, Judge Reed.  
Q Was he Judge of the Muskogee District Court? A Yes-sir.  
Q Who else made application with J. S. Posey?  
A Brother Tom, his father; W. and R. Posey, John Posey and J. S. Posey.  
Q Mrs. Allen, did Judge Reed, who was Judge of the Muskogee District Court, issue to T. B. Posey and his children a citizenship certificate? A yes-sir.  
Q Do you know where it is now? A No-sir, but I can tell as far as I know what went with it.  
Q What became of it? A Walter Posey had a place and improved it and sold it to Sam Brown. There was a fellow who wanted it sold by the Creek authorities, claiming Walter had no right, so he sent for the certificate and Sam Brown lost it some way or other.  
Q Did Sam Brown lose it? A Yes-sir, but another was issued I think. Sam Brown says he did have the certificate but misplaced it somewhere.  
Q Was that in 1896? A Yes-sir.

H. C. Reed being first duly sworn, testified as follows:-

- Q State your name, age and place of residence. A H. C. Reed, residence Lee, Ind. Ter. age fifty-nine.  
Q Are you acquainted with J. S. Posey? A Yes-sir, I have seen him several times?  
Q Do you know Eliza Allen? A Yes-sir.  
Q Are you acquainted with T. B. Posey? A Yes-sir.  
Q Please state what official position, if any, you ever held in the Creek Nation. A I held the position of District Judge in the year of 1883. These parties appeared before me, Mrs. Allen Posey and T. B. Posey, and I believe a woman by the name of Maggie Ishmiel and made application for citizenship.  
Q Was that application for themselves and their children?  
A Yes-sir.  
Q State if you passed on the application? A after hearing all the witnesses in the case under the Creek Law, by authority

vested in my by law to determine such applicants, I decided and passed upon them as citizens; that is, Mrs. Eliza Allen, and also Maggie Ishmick and T. B. Posey and children.

Q Did you issue to T. B. Posey a citizenship certificate?  
A Yes-sir.

Q Was the name of J. S. Posey in your certificate? A Yes-sir.

Q Was there any record of this case made by you in the records of your Court? A Yes-sir.

Q Please state, if you know, what has become of that record.

A Since that date the court house got burned down and I think they all got destroyed at that time.

Q When were you last Judge of the Muskogee District Court?

A In 1896, up to the time the court was abolished.

Q As Judge of that Court, were you Custodian of the records?  
A Yes-sir.

Q Were the records of citizenship cases that had been tried by that Court among the records of that Court? A Nosir.

Q What had become of them? A They must have been destroyed.

Q Judge Reed, when was it that they made this application to you as Judge of the District Court? A In 1883, in the month of April.

-----o-----

Nicholas P. McAfee having been first duly sworn, upon oath states that as stenographer to the Commission to the Five Civilized Tribes, he reported in full all testimony and proceedings had in the above entitled cause on the 14th day of July 1901, and that the above and foregoing is full, true and correct transcript of his stenographic notes of said proceedings on said date.

*Nicholas P. McAfee*

Subscribed and sworn to before me this 15th day of July, 1901.

*[Signature]*

Acting Chairman.

Creek Roll #9114 Nora S. Posey

7/8/1916

Complete Enroll. Rec., (excepting such papers as may be filed in U. S. Court case #56 which possibly should be included in)

Creek C. C. #3268 ✓ X	1.00
Old " " Field #3865 ✓ X	1.00
" " Card #1554 ✓	1.00
Notice of appeal to U. S. Ct.	1.00
Summons for Prin. Officer " " case	1.00
Receipt for papers in 1896 dam case #166	.50
Statement of case ✓	.50
Test. 11/15/1899 (2 pages) ✓ X	.75
" 4/15/1901 (3 " ) in re rehearing ✓	1.25
" 5/28/1901 (3 " ) ✓	1.25
Decision 5/20/1901 Denying ✓	.50
Test. 7/14/1901 (4 pages) ✓	1.50
Roll ✓ X	.25
	\$11.50

Furnished -  
SEP 5 - 1916

Biddison & Campbell  
Tues & O'Kea

LAND OFFICE  
61203-16  
WHA-JMB 9-9-16

In re certified copy of  
enrollment record of Nora  
A. Posey.

September 9, 1916.

Biddison & Campbell,  
605-609 R. T. Daniels Bldg.,  
Tulsa, Oklahoma.

Gentlemen:

Referring to your letter of the 1st instant, relative to a certified copy of the enrollment record of Nora A. Posey, your attention is called to my former letter to you, advising that the record that could be furnished at that time did not constitute the entire enrollment record, for the reason that there were certain proceedings in the United States Court in the case, that made up a part of the record, that could not be located, but that the balance of the record could be furnished you for \$11.50.

You are now advised that the court proceedings in this case have been located, and you will be advised of the cost thereof if you desire to obtain a certified copy of same. The court records are quite voluminous, and the fee will be considerable.

Sincerely yours,

Superintendent for the  
Five Civilized Tribes.



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CR EN(?) 37

DEPARTMENT OF THE INTERIOR,  
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

In the matter of the Application of Martha S. Coker, for the enrolment of herself and children, Eliza G. Coker, James Madison Coker, Robert T. Coker, Eva Coker, Martha Coker, Eliza Ann Coker, and James Coker, as citizens of the Creek Nation.

ACTION TO REPORT AND REVIEW.

Comes now Martha S. Coker, and moves the Honorable Secretary of the Interior to sit and review the above entitled case, and to enroll herself and children as citizens of the Creek Nation, for the following reasons, to-wit:

FIRST: Because the Commission to the Five Civilized Tribes refused to permit her to introduce her witnesses at the hearing of her application, and made what is termed a "Memorandum" case instead of a regular application.

SECOND: Because if she had been permitted to introduce her testimony she would have shown that she had been duly recognized by the Executive Court of the Creek Nation; approved and duly enrolled by the Council on the authenticated roll of the Creek Nation in 1890, and that her name was never stricken from the Creek roll by any one having authority to do so, or by due process of law.

THIRD: Because the evidence would have shown further, neither the Commission in 1896 nor the United States Court had jurisdiction in her case, and the decision of said Commission and Court was void.

WHEREFORE, she prays that her case be re-opened, reviewed and that she and her children be enrolled in accordance with the decision heretofore rendered in the case of E. F. Barber, (Creek memorandum case No 35.)

POOR ORIGINAL -  
BEST AVAILABLE COPY

By \_\_\_\_\_

Her Attorney,

MEMORANDUM.

DEPARTMENT OF THE INTERIOR,  
COMMISSION TO THE FIVE CIVILIZED TRIBES,  
Okmulgee, Indian Territory, May 12, 1901.

In the matter of the application of Martha S. Coker, for the enrollment of herself and her children, Silas G. Coker, James Marcus Coker, Robert T. Coker, Eva Coker, Maudie F. Coker, Elva Lena Coker and Agnes Coker, as citizens of the Creek Nation.

Martha S. Coker being first duly sworn testified as follows:

Examination by Acting Chairman Bixby.

- Q What is your name? A Martha S. Coker.
- Q How old are you? A 42 years. (Born 1859).
- Q What is your postoffice? A Wagoner, Indian Territory.
- Q Have either you or your children for whom you make application, ever been recognized by the tribal authorities of the Creek Nation as citizens of the Creek Nation? A Yes, I suppose I have.
- Q Have you ever been enrolled by the tribal authorities of the Creek Nation? A Yes, I guess on the '90 roll.
- Q What was your name in 1890? A My name was Coker in 1890.
- Q What was your name before you were married? A Martha S. Barber
- Q What town in the Creek Nation did you belong to? A Broken Arrow
- Examination of the Broken Arrow roll, Creek Nation, for the year 1890, discloses the fact that the name of Martha S. Barber or the name of Martha S. Coker does not appear thereon.
- Q Do you claim that you appear upon the 1890 roll under another name than the name of Barber? A They said Barber, but they got it Bailer in place of Barber.
- Q You claim that your name is on the 1890 roll as Bailer? A Yes, I claimed it as Barber but they got it as ~~Barber~~ Bailer; my name was Barber; that is what is it made from.
- Q What were your initials in 1890? A M. S. is my initials, and they just got it S. there.
- The name of Mrs. S. Bailer appears on page 224 of the authenticated roll of Broken Arrow Town, Creek Nation, for the year 1890.
- Q Do you claim that the names of your children appear upon the roll of 1890? A No sir.
- Authenticated roll of 1890, Broken Arrow Town, Creek Nation, examined and the names of Silas G., James Marcus, Robert T., Eva, Maudie F., Elva Lena, and Agnes, are not found thereon.
- Q Did you draw the \$14.40 in the year 1895 for yourself and your children? A No sir.
- Examination of the Broken Arrow roll of the Creek Nation, 1895, discloses the fact that the names of Martha S. Barber and her children are not found thereon.
- Q How does it happen that neither your name nor the names of your children appear upon the roll for Broken Arrow town for 1895, at the time of the \$14.40 payment? A I can't tell.
- Q Do you know whether the Creek council, or a committee of the council, on or about the year 1895, took any action regarding your citizenship or the citizenship of your children? A They erased us from the rolls--the Eighteen Committee did.
- Q The Eighteen Committee was a committee of the council of the Creek nation, wasn't it? A That is what I understand.
- Q Were you thereafter admitted to citizenship to the Creek Nation by the Colbert Commission in the year 1896? A No, they didn't give us no hearing.
- Q Were either you or your children admitted to citizenship in the Creek Nation by the Commission to the Five Civilized Tribes acting under the law of June 10, 1896? A No sir.
- Q Did you apply to the Commission to the Five Civilized Tribes in 1896 for citizenship? A Yes sir.
- Q What action did the Commission to the Five Civilized Tribes take in your case? A I don't know; they have taken part of them in

2-Martha S. Coker et al.

and part of them they didn't; they didn't take me in. I don't know why.

Q You and your children were rejected by the Dawes Commission, in 1896, wasn't they? A Yes sir.

Q Did you take an appeal in your own behalf or in behalf of your children from the judgment of the Dawes Commission to the United States Court in Indian Territory? A Yes.

Q What action did the United States court take in your case? A Didn't enroll us; that is all I can tell you.

Q Wasn't the judgment of the Commission to the Five Civilized Tribes sustained by the United States court? A Yes, I guess; I don't know.

Records of the Commission to the Five Civilized Tribes examined, and it is found that the application of Martha S. Coker for the enrollment of herself and her children, Elias L., Eva, James M., Maud F., Robert T., and Silas G., was rejected by said Commission, and that an appeal being taken to the United States court in Indian Territory, the decision of the Commission was sustained.

-----o-----

Your application for the enrollment of yourself and your children as citizens of the Creek Nation is refused; You will be furnished at a later date with a copy of the decision of the Commission, giving in full, its reasons for your rejection, mailed to you at your postoffice address as given in your testimony.

-----o-----

Frances R. Brown having been first duly sworn upon oath states that as stenographer to the commission to the Five Civilized Tribes she reported in full all testimony and proceedings had in the above entitled case on the 18th day of May, 1901, and that the above and foregoing is a full, true and correct transcript of her stenographic notes of said proceedings on said date.

*Frances R. Brown*

Subscribed and sworn to before me this 20th day of May, 1901.



Acting Chairman.

COPY

Muskogee, Indian Territory, January 4, 1908.

Martha S. Coker,

Wagoner, Indian Territory.

Dear Madam:

On the 18th day of May, 1901, you appeared before the Commission to the Five Civilized Tribes and made application for the enrollment of yourself and your seven minor children, Silas G., James Marcus, Robert T., Eva, Maudie T., Elva Lena and Agnes Coker as citizens of the Creek Nation.

It appears from the evidence offered in support of said application, that you appeared upon the 1890 authenticated roll of Broken Arrow Town, Creek Nation, under the name of Mrs. S. Bailer, but that your name was stricken from said roll in 1895 by the citizenship committee appointed by the Creek Council; that your children above named have never been enrolled by the tribal authorities of the Creek Nation and that their names do not appear upon the tribal rolls of the Creek Nation, now in possession of this Commission; that you made application to this Commission under the act of Congress of June 10, 1896 ( 29 Stats., 321), for citizenship in the Creek Nation, which application was refused by the Commission. An appeal was taken from the decision of the Commission to the United States Court in Indian Territory, which

X V B 2

court sustained the decision of the Commission.

The act of Congress of May 31, 1900 ( 31 Stat., 221), provides:

"That said Commission shall continue to exercise all authority heretofore conferred on it by law. But it shall not receive, consider, or make any record of any application of any person for enrollment as a member of any tribe in Indian Territory who has not been a recognized citizen thereof, and duly and lawfully enrolled or admitted as such, and its refusal of such applications shall be final when approved by the Secretary of the Interior ."

The Commission has, therefore, on this date, decided that yourself and your seven minor children above named are not citizens of the Creek Nation and duly and lawfully enrolled or admitted as such, and that pursuant to the provision of law above quoted, the Commission is without authority to receive, consider or make any record of the application for the enrollment of yourself and said children as citizens of said nation.

You are also informed that the Commission has on this date forwarded a memorandum of its action to the Secretary of the Interior for consideration. A copy of the testimony taken in support of said application is herewith enclosed.

The Commission to the Five Civilized Tribes.

By T. B. Needles  
Commissioner in Charge.

Reg. mail.

Enclosure.



(COPY)

COMMISSIONERS:

HENRY L. DAWES,  
TAMS BIXBY,  
THOMAS B. NEEDLES,  
C. R. BRECKINRIDGE.

DEPARTMENT OF THE INTERIOR,  
COMMISSION TO THE FIVE CIVILIZED TRIBES.

ALLISON L. AYLESWORTH,  
SECRETARY.

ADDRESS ONLY THE  
COMMISSION TO THE FIVE CIVILIZED TRIBES

Muskogee, Indian Territory, January 13, 1902.

The Honorable,

The Secretary of the Interior.

Sir:

There is herewith transmitted the record of proceedings in the matter of the application for enrollment of Martha S. Coker, Silas G. Coker, James Marcus Coker, Robert T. Coker, Eva Coker, Maudie F. Coker, Eva Lena Coker and Agnes Coker, as citizens of the Creek Nation, Creek Memorandum No. 27, refused by the Commission under the provisions of the act of Congress approved May 31, 1900 (31 Stat., 221), in its decision dated January 4, 1902, which has been separately transmitted in duplicate to the Department on this date.

Respectfully,

T. B. Needles.

Commissioner in Charge.

Through the Commissioner

of Indian Affairs.

1 Enclosure- 37

(COPY)

B.C.No. 1443-1902.

5646.

P.

L.R.S.

Department of the Interior.  
Washington.

I.T.D.455-1902.

January 24, 1902.

Commission to the Five Civilized Tribes,  
Muskogee, I. T.

Gentlemen:

January 21, 1902, the Commissioner of Indian Affairs transmitted the papers in the matter of the application for enrollment of Martha S., Silas G., James Marcus, Robert T., Eva, Maudie F., Eva Leas and Agnes Coker, as citizens of the Creek Nation, and recommended that your decision in the case be approved.

January 4, 1902, you refused the application in accordance with the act of May 31, 1900.

The Department affirms your decision in this case, and you will so inform the applicants. Copy of the Commissioner's letter is inclosed herewith.

Respectfully,

Thos. Ryan  
Acting Secretary.  
HMD.

1 inclosure.

(COPY)

Refer in reply to the following:

Land  
3509-1902.  
3510-1902.

Department of the Interior,  
Office of Indian Affairs,  
Washington, January 21, 1902.

The Honorable

The Secretary of the Interior.

Sir:

I have the honor to transmit herewith a report made January 13, 1902, by the Commission to the Five Civilized Tribes, transmitting a memorandum in the matter of the application of Martha S. Coker, and her minor children, Silas G., Robert T., James Marcus, Eva, Maudie, Elva Lina and Agnes, for enrollment as citizens of the Creek Nation.

The Commission declined to make a record in the case because an examination of the Creek tribal records, and of the applicant, showed that she had not been recognized as a citizen of the Creek Nation, and duly and lawfully enrolled or admitted as such.

It is respectfully recommended that the Commissioner's action be approved. Reference is made to office report of even date, in the matter of the application for enrollment of Louisa Bigham.

Very respectfully,  
Your obedient servant,

W. A. Jones.  
Commissioner.

WCV  
D

Inclosure.

COMMISSIONERS:  
HENRY L. DAWES,  
TAMM BIXBY,  
THOMAS B. NEEDLES,  
C. R. BRECKINRIDGE

ALLISON L. AYLESWORTH,  
SECRETARY

DEPARTMENT OF THE INTERIOR,

COMMISSION TO THE FIVE CIVILIZED TRIBES.

(COPY)

Muskogee, Indian Territory, February 4, 1902.

ADDRESS ONLY THE  
COMMISSION TO THE FIVE CIVILIZED TRIBES.

Martha S. Coker,

Wagoner, Indian Territory.

Dear Madam:

You are hereby advised that the Secretary of the Interior, under date of January 24, 1902, affirmed the decision of the Commission, dated January 4, 1902, denying the application made by you for the enrollment of yourself and children, Silas G., James Marcus, Robert T., Eva, Maudie F., Eva Lena and Agnes Coker, as citizens of the Creek Nation.

Yours truly,

Tamm Bixby  
Acting Chairman.

Muskogee, Indian Territory. February 28, 1906.

The Honorable,

The Secretary of the Interior.

Sir:

January 4, 1902, the Commission rendered decision denying the application for the enrollment of Martha S. Coker and her children, Silas G., James Marcus, Robert T., Eva, Maudie F., Elva Lena and Agnes Coker as citizens of the Creek Nation. Said decision was affirmed by the Department January 24, 1902 (I.T.D. 455-1902).

February 24, 1906, said Martha S. Coker, by her attorney E. Hastain, filed motion to reopen and review said case, and same is inclosed herewith for Departmental consideration.

Respectfully,

Through the Commissioner  
of Indian Affairs.

HEA-X

Acting Commissioner.

JP

DEPARTMENT OF THE INTERIOR,  
WASHINGTON. April 28, 1906. LJB

I.T.D. 5900-1906  
LRS

Commissioner to the Five Civilized Tribes,  
Muskogee, Indian Territory.

Sir:

Referring to your letter of February 28, 1906, transmitting a motion to reopen the Creek freedman case of Martha S. Coker, the subject of departmental letter of January 4, 1902, it is requested that you call upon the party, through her attorney, to file, within 30 days from notice, an affidavit, duly corroborated, showing all the facts relative to her residence in the Creek Nation and absences therefrom, and any other fact she desires to present in support of the motion for rehearing. You will call her attention to the portion of the act of Congress of April 26, 1906, relative to Creek freedmen. Transmit direct any papers filed.

Respectfully,

Thos Ryan

First Assistant Secretary

Through the Commissioner  
of Indian Affairs.



JP

DEPARTMENT OF THE INTERIOR,  
WASHINGTON. April 28, 1906. LEB

I.T.D.5900-1906  
LRS

Commissioner to the Five Civilized Tribes,  
Muskogee, Indian Territory.

Sir:

Referring to your letter of February 28, 1906, transmitting a motion to reopen the Creek freedman case of Martha S. Coker, the subject of departmental letter of January 4, 1902, it is requested that you call upon the party, through her attorney, to file, within 30 days from notice, an affidavit, duly corroborated, showing all the facts relative to her residence in the Creek Nation and absences therefrom, and any other fact she desires to present in support of the motion for rehearing. You will call her attention to the portion of the act of Congress of April 26, 1906, relative to Creek freedmen. Transmit direct any papers filed.

Respectfully,

Thos Ryan

First Assistant Secretary

Through the Commissioner  
of Indian Affairs.

DEPARTMENT OF THE INTERIOR,  
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.  
Muskogee, Indian Territory, May 24, 1906.

In the matter of the enrollment of Martha S. Coker  
et al as citizens of the Creek Nation.

APPEARANCES: N. Hastain, attorney for applicants.  
Office of Creek attorney telephoned and  
this office was informed that Mr. Mott  
was not in.

MARTHA S. COKER, being duly sworn, testified as  
follows:

- Q What is your name? A Martha S. Coker.  
Q What is your age? A Forty eight.  
Q What is your post office address? A Chouteau.  
Q Are you an applicant for citizenship in the Creek Nation? A Yes, sir.  
Q Do you claim to be a Creek Indian by blood? A Yes, sir.  
Q What was the name of your father? A Silas H. Barber.  
Q Was he a citizen of the Creek Nation? A No, sir, a white man.  
Q What was the name of your mother? A Sarah A. Barber.  
Q Is she living? A Dead.  
Q Was she a citizen of the Creek Nation? A Yes, sir.  
Q How much Indian blood did she possess? A Always told me a quarter;  
that was what she claimed.  
Q Do you know whether she was ever recognized by the tribal authorities  
as a Creek citizen? A I was told so.  
Q Did she tell you? A She died when I was small.  
Q Did she ever draw any payments either from the Creek Nation or  
from the United States as a Creek Indian? A Not as I know of.  
Q What have you been told in regard to her Creek citizenship? A I was  
told that her father when he was admitted admitted all of his children;  
that would be my grandfather.  
Q You have been told that your grandfather was admitted to Creek  
citizenship? A That's the way I have been told.  
Q You have been told that your grandfather was admitted and that  
your mother was admitted? A Yes, all his family.  
Q Who admitted your grandfather? A Judge Reed.  
Q When did your grandfather die? A I don't know what year it was;  
he died in the Creek Nation.  
Q A Number of years ago? A Not so very long ago.  
Q Twenty years ago? A I don't know; I couldn't say.  
Q What was the name of the grandfather through whom you claim? A Benj.  
Posey.  
Q Do you know that his name appears on any of the authenticated  
tribal rolls? A I never saw it; I couldn't say I know.  
Q Does your mother's name appear on any of the authenticated tribal  
rolls? A I don't know that.  
Q Do you know whether you were ever admitted to citizenship in the  
Creek Nation by the Creek tribal authorities? A I was admitted on the  
rolls.  
Q Do you know whether your name appears on any of the authenticated  
tribal rolls? A Yes my name appears on the roll.  
Q What roll? A The 1890 payment roll.  
Q Does your name appear on the 1890 roll? A Yes

- Q How long have you lived in the Territory? A About 13 years I guess.
- Q Where were you born? A In Texas.
- Q How old when you came to the Territory? A I came to the Territory before I lived here; I came in 1890.
- Q You didn't come here at that time to live, came on a visit? A I came on a visit.
- Q When did you come here to establish your residence? A '93 I believe.
- Q Three years after your first visit? A It was going on three.
- Q Were you married at the time you came here on your first visit? A Yes.
- Q What is the name of your husband? A Coker.
- Q Who causes your name to be placed on the 1890 roll? A I suppose the proper authorities. I was here at the time the roll was made.
- Q Did you ever appear in person before the Creek councilor authorities who placed names on the rolls of citizens? A Yes, sir.
- Q Who did you appear before? A I couldn't tell you who it was; the council.
- Q Where did you appear? A At Okmulgee when the roll was made up.
- Q Did you ever go by any other name than Barber? A They spelled the name wrong, spelled it Bailey or Baler; it was proved it was for us but they spelled it wrong.
- Q What was the name of the grandfather you referred to a moment ago? A Benjamin Posey.
- Q Your mother? A Sarah Ann Posey before she married.
- Q How long did your grandfather live in the Territory? A I don't know just how long.
- Q Was your grandfather a resident of the Territory for the most part of his life or was he a resident of Texas? A Of Texas part of the time.
- Q Did he have a home in Texas? A I don't know; he lived there.
- Q Did he have his family in Texas? A Yes, sir.
- Q Your mother also lived in Texas? A Yes, sir.
- Q That is what she considered home at one time? A They always claimed to be Indians and their home was Indian Territory but they lived in Texas at one time. I was always taught that we was Indians and entitled to land.
- Q Did you draw any money at any time as a Creek Indian? A Yes, sir.
- Q When? A In 1889 the \$29.00.
- Q Did you draw that money yourself? A My brother.
- Q What is his name? A John C. Barber.
- Q Is he a citizen of the Creek Nation? A Yes, sir.
- Q Did you ever receive any other payment? A No, sir.
- Q Under what name did you receive that payment? A Barber, they misspelled it Baler or Bailey.
- Q Could it have been possible that you received money that was intended for some one else? A I guess not; it was intended for me.
- Q Was there money drawn for any other of your immediate family at that time? A Yes, sir.
- Q Who? Robert T., John C., R.F., and R.W. Barber and my own.
- Q How many children have you? A Seven.
- Q All your children living? A All them seven is living; I have one dead.
- Q What is the name of it? A Samantha Elizabeth Coker.
- Q When did it die? A I don't remember what year; it was our oldest baby and it died when it was six months old.
- Q Died 20 years ago? A 28 or 9 years ago.
- Q What is the name of your oldest living child? A Silas G., then James Marcus, Robert T., Eva, Maudie F., Elva Lena and Agnes.
- Q Have you continuously resided, you and the members of your family, in the Creek Nation since 1893? A Yes, sir.
- Q Have you considered this nation your home since that time? A Yes considered the Creek Nation my home.
- Q Have you been absent from the Creek Nation at any time since 1893? A Over in the Cherokee Nation.
- Q How long there? A About 2 or 3 years, just across the line.
- Q Living in the Cherokee Nation? A Yes, sir.

Q When did you go to the Cherokee Nation? A Three years ago last march.  
Q Are you living there now? A Just across the line.  
Q Where do you live? A Three and a half miles from the Valley railroad.  
Q The Valley railroad indicates the line between the Cherokee and Creek Nations? A I don't know.  
Q You live just on the edge in the Cherokee Nation? A Yes, sir.

ATTY. FOR APPLICANT.

Q State whether or not you own the place you are living on? A I don't own it.  
Q Did you ever own a place in the Creek Nation? A Yes, sir we came here and improved a place believing that we were citizens; we put a good deal of improvements on it and intended to make it our home and they placed us on the doubtful roll when it became time for payment.  
Q When was that? A I don't remember what year but the \$14. payment and then we never got any hearing or any trial and then they passed a law that what they called non citizens had to sell improvements or run the risk of losing them and we had worked so hard I didn't feel like losing the improvements and I let my cousin have it and we were to have a five years lease on the place and when that time expired we leased a place across the line that is how come we ever there.  
Q That is all you got out of the place? A Last year before the time expired we re-leased it to another man the last year we were to have it and we got a chance to lease this other place.

COMMISSIONER:

Q In what way have you been recognized as a Creek citizen? A Recognized in enrolling and drawing money and I have lots of relatives who are recognized and have their land and got their homes and living on them.  
Q Did you buy that place that you said you improved? A I paid a couple of ponies to get possession of the claim.  
Q For possessing rights to that certain piece of land? A Yes, sir/.  
Q No improvements when you went there? A Just a little fence for a pasture.  
Q Did you ever pay the permit tax for the privilege of living here? A No I never paid any tax.  
Q Were you ever called upon to pay the tax? A No, sir.  
Q Were you called before the committee of eighteen in the year 1895 to testify at that time? A No, sir.  
Q Do you know of any reason why your name was omitted from the authenticated roll of 1895? A I don't know only it was told it was just a town king fight; one town king erased some names off one roll and so the other erased some names.  
Q You know nothing about it at all ? A No, sir

ROBERT T. BARBER, being duly sworn, testified as follows:

Q What is your name? A Robert T. Barber.  
Q What is your age? A Fifty four.  
Q What is your post office address? A Wounds.  
Q Are you a citizen of the Creek Nation? A Yes, sir.  
Q Received your land? A Yes, sir.  
Q Are you related to the person who immediately preceded you on the stand? A Yes, sir.  
Q What relation are you to her? A Brother and sister.  
Q Full brother? A Yes, sir.  
Q How long have you lived in the Territory? A Came in October '72.  
Q You claim to be a citizen by blood of the Creek Nation? A Yes, sir  
Q Claim through which parent? A Mother.  
Q When were you first recognized as a citizen? A Council before the \$29. payment. That was in--I don't remember when that payment was.

Q Was that in '89 or '90? A Yes, sir; the council before in October.

Q How did your name happen to get on that roll, who placed it there? A The council; done by the secretary A.P. McKeliep.

Q Act of council? A Yes, sir.

Q Who else was admitted at that time? A John C. Barber a brother of mine.

Q Were you admitted at the same time your sister was admitted? A No sir the council before.

Q Did you appear before the council immediately following the one in which you were admitted and have the name of your sister placed on that roll? A Yes, sir.

Q Do you know the reason her name did not appear on any roll? A Before that?

Q Yes? A She wasn't here.

Q She hadn't lived in the Territory? A No, sir.

Q She wasn't a resident of the Territory when her name was placed on the roll? A No, sir.

Q She was living in Texas? A Yes, sir.

Q And she was placed on the roll and she returned about three years after? A It was a short time after that she came to the Creek Nation.

Q Do you know why her name does not appear on any roll after '90? A Her name was stricken off the roll a few years after at the time they were making the roll for that \$14 payment.

Q Was that in '95? A I think it was.

Q Do you know any reason that has been given for her name being omitted from that roll? A Nothing only that it was a town king fight; they scratched my children off at the same time.

ATTY. FOR APPLICANT.

Q Did your children draw the '95 payment? A No, sir, I got them back on the roll before the payment but I never could get the money.

COMMISSIONER:

Q Your children's names were stricken and then placed back on the roll? A Yes, sir.

Q You caused that to be done by calling on your friends? A Calling on the Colbert Commission court.

Q Why was not that done in the case of Martha S. Coker? A They never applied to that court.

Q Didn't you know why her name was stricken also? A Yes, sir.

Q You took no steps to have her name put on again? A I did before the Dawes Commission.

Q What year? A The first year they came to the Territory; I don't remember what year that was.

Q Isn't it a fact that your sister Martha S. Coker was born in Texas and lived there until about the year 1893 and that then she came here and established a place of residence? A Yes, sir.

Q You knew that at the same time she is living in the Cherokee Nation? A No, sir I don't know she lives there now.

Q Do you know how long she lived in the Creek Nation after her arrival here in 1893? A I don't know, but several years I know.

Q Did she ever make her place of residence outside the Nation that you know? A No, sir not since she first came here.

ATTY. FOR APPLICANT.

Q Do you know where Benjamin Posey your grandfather was born? A In Alabama I think.

COMMISSIONER:

Q Where did he move from Alabama? A Texas.

Q How long did he live in Texas? A I couldn't tell you.



Q Do you know how long he was a resident of the Territory? A I don't know. I know he came here and lived a time.

JOHN C. BARBER, being duly sworn, testified as follows:

Q What is your name? A John C. Barber.

Q What is your age? A Fifty three.

Q What is your post office address? A Wagoner.

Q Are you a citizen of the Creek Nation? A Yes, sir

Q Have you received a deed to allotment in the Creek Nation? A Yes, sir

Q When did you first come to the Territory? A First came in '73 I believe it was.

Q Where did you come from? A Texas.

Q How long have you lived in the Territory since you came? A Ever since I came here.

Q Are you related to Martha S. Coker ? A Yes, sir

Q What relation? A I am a brother of hers.

Q Full brother? A Yes, sir.

Q Do you know how long she has lived in the Territory? A I disremember just what year.

Q Did she come here after the '90 payment? A She was here before that payment but she didn't move here.

Q How long after that payment did she come here and make it her home?

A I don't remember whether it was the same year or the next year.

Q She has stated it was in '93 is that correct? A I think that is correct but I disremember just when.

Q Who caused her name to be placed on the '90 roll? A She was here at the time it was placed on there.

Q She was here? A She was here.

Q Are you sure of that? A Yes, sir

Q Did you appear before the council at that time? A Yes, sir.

Q Went to have her name placed on the roll? A Yes, sir.

Q Was she with you when you went before the council? A Yes, sir she was here.

Q Where was it? A At Okmulgee.

Q She was not a resident of the Territory at that time but her name was placed on the roll? A She hadn't moved here at that time.

Q She came up here with her husband did she from Texas? A When they moved here they did.

Q When was that, in '93? A Yes, sir.

Q Do you know whether she has continued to make this nation her home since that time ? A Yes, sir.

Q Been out of the Territory since that time? A If she has been out of the nation since that time, I don't know it.

Q Is she living in the Creek Nation at the present time? A In the Cherokee at the present time; right on the line.

Q How long has she lived in the Cherokee Nation? A I don't know but not a great while.

Q Been living in the Cherokee Nation for the past three years? A No, sir not that long.

Q Been living there for 2 years? A Yes I guess she has been living there 2 years.

Q Did you and your brothers bring any influence to bear on the council in order to be admitted as citizens? A We put in an application before the council for citizenship and it was proved.

Q Did they admit you as citizens by blood? A Yes, sir.

Q Merely on your own statements they admitted you? A We had an aunt there; my mother's sister.

Q What was her name? A Mrs Eliza Allen.

Q Was she a citizen by blood of the Creek Nation? A Yes sir.

Q How long had she lived in the Territory? A I think she moved here in '83; 82 or 3 something like that.

ATTY. FOR APPLICANT.



Q Do you know whether or not Martha S. Coker had a hearing before the Colbert Commission? A No, sir she didn't get any hearing before the Colbert Commission.

Q Do you know why? A No, I don't know why; they didn't come to trial. She had in an application to the Colbert Commission but never got a hearing.

COMMISSIONER:

Q Did you draw any money for Martha S. Coker at any time as a Creek? A Yes, sir.

Q When was that? A I drew it in '90 I think it was.

Q Why didn't she draw it herself? A She had gone back.

Q She wasn't living here? A No, sir

Q How much did you draw? A \$29.

Q Did you draw for any children of hers? A No, sir.

Q Did she have any adult children at that time? A Yes, sir

Q What was the name of the children? A You mean the ones under age?

Q The ones over age? A She didn't have any over age at that time.

Q Do you know any reason why her name did not appear on the '95 roll? A The officials had a town king fight.

Q Is that something you know or heard? A I know her name didn't appear.

Q Do you know why her name was caused to be omitted by the committee of 18 who were authorized to take the names of non citizens off the roll? A I never knew why; I knew there was a committee appointed but I don't know why they took it off or who did.

Q How many years did you live in the Territory before you were made a citizen? A I came in '73 and was admitted in '89.

Q Did you have any knowledge that you had any Creek blood before 1889? A Always been told that by my parents since I could remember.

Q And that is what you told the Creek council? A Yes, sir

Q Your parents were not recognized citizens of the Territory were they? A They never lived here then; my father does now--but my mother didn't.

Q Your father is a white man? A Yes, sir My grandfather came here and established his rights.

Q When did he come here. About the same time you did? A He came in '83 I think it was.

Q What was the name of your grandfather? A Benjamin Posey.

Q During those years that you lived here as a citizen were you recognized as a citizen? A That was the general talk in the nation where I lived.

Q It was claimed you were a citizen? A By all of the people in the country where I lived. I had a good many relatives here. They claimed I was an Indian and I claimed so too.

Q Did you take up land when you came here? A Yes, sir.

Q What did you do? A I worked around and lived in the Cherokee Nation.

Q Did you pay any permit tax in the Cherokee Nation? A No, sir

Q Did you pay any in the Creek Nation? A No, sir

Q Were you ever punished in the Creek Nation? A No, sir

Q All you know of the reason they omitted on the roll of '95, Martha S. Coker is what you heard? A Yes, sir. I never saw them take the name off.

Q And you stated what you heard? A Yes, sir about that part of it.

Q Was Martha Coker living here in the years from '93 to '95? A Yes, sir

Q Where living? A At Wagener.

Q Near Wagener? A Yes, sir about three miles west of Wagener.

ATTY. FOR APPLICANT.

Q You stated that your grandfather Benj. Posey came here and established his rights, do you know how he did that? A Before the district judge

Q Do you know what district judge that was? A Judge Reed.

Q Do you know when that was about? A I think about '83.

MARTHA S. COOPER RECALLED.

ATTY. FOR APPLICANT.

Q One of your brothers didn't think that you appeared before the Colbert Commission; state whether you did appear before the Colbert Commission? A We never got before them but we tried for a trial; they never gave us any trial or nothing; I was down at Okmulgee and tried for a trial.

COMMISSIONER:

Q In what way did you try? A Others were working for me.

Q Who was working it for you? A My brothers was managing it for me.

Q Do you know what they did? A I don't know.

Q Do you know actually that he appeared before the Colbert Commission?

A I don't know but he tried to, don't know whether he ever got before them. They wouldn't listen to me or nothing; I was down there but didn't go before them, I was there 3 or 4 weeks.

Q Did you try to go before the Commission yourself? A I didn't go myself but asked to go before them and I was right there for that purpose.

Q What brother was trying for you, trying to get you before that Commission? A Beth of these brotherd, R.T. and John C. were both there with me.

Q Which of these brothers did most of the work for you before the Colbert Commission? A They said they would do all they could for me and I don't know which did the most talking. They got their children before that Commission.

Q One of your brothers testified he didn't try to get your name on?

A They was both there and said they would do all they could for me.

I, Anna Garrigues, on oath state that the above and foregoing is a true and correct transcript of stenographic notes as taken in said cause on said date.

Subscribed and sworn to before me this  
25 day of May 1906.

Anna Garrigues

W. H. Davis  
Notary Public.

( C O P Y )

DEPARTMENT OF THE INTERIOR,  
WASHINGTON.

JP  
S.P.

I.T.D.2724-1907.

February 13, 1907.

IRS

Direct.

Commissioner to the Five Civilized Tribes,  
Muskogee, Indian Territory.

Sir :--

In accordance with the recommendation contained in your letter of January 24, 1900, the petition for a re-hearing in the matter of the application for the enrollment of Martha S. Coker, et al., as citizens of the Creek Nation, is denied.

In letter of February 7, 1907, the Indian Office concurred in your recommendation that the motion be denied. A copy of its letter is inclosed.

The papers have been sent to the Indian Office with a carbon copy hereof.

Respectfully,

(Signed) Thos. Ryan,

First Assistant Secretary.

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1007  
DEPARTMENT OF THE INTERIOR,  
OFFICE OF INDIAN AFFAIRS,

Land

WASHINGTON.

9083-1907.

February 7, 1907.

The Honorable,

The Secretary of the Interior.

Sir :--

Referring to Departmental letter of November 24, 1906, (I.T.D. 5900-1906), which called the attention of the Commissioner to the Five Civilized Tribes to Departmental letter of April 28, 1906, relative to a motion for a re-opening of the Creek enrollment case of Martha S. Coker, et al., in which the Commissioner was requested to inform her, through her attorney, to file within thirty days from notice an affidavit, duly corroborated, showing the facts relative to her residence in the Creek Nation and absences therefrom, and any other facts that she desired to present in support of her motion for a re-hearing, I have the honor to transmit herewith a communication from the Commissioner to the Five Civilized Tribes, dated January 24, 1907, enclosing the testimony taken in accordance with Departmental letter of April 28, 1906. This testimony was taken on May 24, 1906. The Commissioner adheres to his former opinion that the motion to reopen should be denied. There is nothing in the testimony to change the attitude of the Office, and it concurs in the recommendation of the Commissioner that the motion be denied.

The record of this case was transmitted to the  
Department April 7, 1934, (Lund 544-1932, 20047-1932).

Very respectfully,

J. E. Ladd,

Acting Commissioner.

WEE-ND

Cr. Memo. 37

Muskogee, Indian Territory, March 5, 1907.

M. Hastain,

Attorney at Law,

Muskogee, Indian Territory.

Dear Sir:

You are hereby advised that under date of February 13, 1907, the Secretary of the Interior denied the motion for rehearing filed in the matter of the application for the enrollment of Martha S. Coker et al. as citizens of the Creek Nation.

Respectfully,

Commissioner.



Gr. Memo. 87.

CM

Muskogee, Indian Territory, March 2, 1907.

Martha S. Goker,

Chouteau, Indian Territory.

Dear Madam:

You are hereby advised that under date of February 12, 1907, the Secretary of the Interior denied the motion for rehearing filed in the matter of the application for the enrollment of yourself and others as citizens of the Creek Nation.

Respectfully,

Commissioner.

CR EU 38

CR EU 38

DEPARTMENT OF THE INTERIOR,  
COMMISSION TO THE FIVE CIVILIZED TRIBES.

MUSKOGEE, INDIAN TERRITORY.

In the matter of the application of Simon McIntosh for the enrollment of himself as a citizen of the Creek Nation.

It appears from the record that on May 11, 1901, a decision was prepared denying the application for the enrollment of Simon McIntosh, under the provisions of section 21 of the act of Congress approved June 28, 1898, on the ground that he was a nonresident of the Indian Territory on said date.

Section 29 of the Creek agreement, ratified May 25, 1901, among other things, provides:

"Said commission shall have authority to enroll as Creek citizens \* \* \* \* \* such other recognized citizens found on the Creek rolls as might, by reason of nonresidence, be excluded from enrollment by section twenty-one of said Act of Congress approved June twenty-eighth, eighteen hundred and ninety-eight: Provided, That such nonresidents shall, in good faith, remove to the Creek Nation before said commission shall complete the rolls of Creek citizens as aforesaid."

The testimony taken in support of the application herein on June 5, 1901, shows that the applicant, Simon McIntosh, is clearly entitled to enrollment under the provision of law above quoted, and he is properly listed for enrollment on Creek Freedman Card, Field No. 1542.

It does not appear that the representatives of the Creek Nation have made any objection to the enrollment of the applicant herein and the transmission to the Department of the record in this case is therefore withheld in accordance with instructions of the Acting Secretary of the Interior, under date of February 1, 1902, as follows:

"Do not send records of evidence in Creek cases where you find the applicants are clearly entitled to enrollment and no objection is made by representatives of Creek Nation."

DEPARTMENT OF THE INTERIOR,  
Commission to the Five Civilized Tribes.

Muskogee, Ind. Ter., March 13th, 1899.

In the matter of the Application  
of Simon McIntosh for Enrollment  
as a Creek Freedman.

SIMON McINTOSH, the applicant, after being duly sworn,  
upon being examined by Commissioner McKennon, testified as follows:

Q: How old are you? Answer: Thirty-seven.

Q: Where were you born?

A: I don't know, sir, where I was born. When war broke out my  
grand mother went south, and I don't know where I was born;  
whether here or there.

Q: You don't know where you were born?

A: They took my mother from here.

Q: When did you come back?

A: Nearly twelve years after. As near as I can remember we  
came back here about nine or ten years after.

Q: After what?

A: After the war was over; as near as I can remember. That is  
all I can tell.

Q: You then were born in Texas?

A: I don't know whether I was born there or here. I was only a  
child and I cannot tell. My grand mother can tell all about it.  
I think she said I was born in Texas, when they stole my mother  
away.

Q: That was during the war?

A: I suppose so; it was during slavery times.

Q: Do you remember when you come back here? Ans: Yes sir.

Q: How old were you?

A: I don't think I was over ten or twelve, but I can remember when

we come back here.

Q: What was your mother named?

A: Aggie McDoy.

Q: Is she living or dead?

A: Dead. She died when we were all small. I have been with my grand mother.

Q: You say you have been living in Texas about ten years.

A: Yes sir.

Q: During the time, you come back here occasionally. How many times ~~times~~ did you come back since you went away?

A: Been back here about three times; come back to see my grand mother.

Q: Do you now live in Texas?

A: No sir, we made up our mind to come home and live.

Q: Where are you living now?

A: I am here with my brother.

Q: Have you got your property here; your household goods?

A: No sir, only I stay with them.

Q: Have you got a home in Texas? Answer: No sir.

Q: Have you any property there? Answer: No sir.

Q: No household goods?

A: Only a few things, and I have a paper to show that they will be here in a few days.

Q: When did you come here?

A: A few days ago, and my wife come back about two weeks ago. I come Friday (February 11th, 1899)

Q: You say that your wife is an Indian by blood, on the Cavata Roll?

A: Yes sir, she drew by that.

Q: She has been living with you in Texas all the while?

A: Yes sir.

Q: How many payments have drawn?

A: I could not tell, but I remember the first was seed, then some potatoes, and then some flour, and then the \$29.00, and then

(3)

the last time, \$14.70

Q: When was that \$14.70 payment?

A: A year or two ago, I think.

Q: Well, you go and bring your wife over?

A: Yes sir, I will bring her over.

(Excused)



DEPARTMENT OF THE INTERIOR,  
COMMISSION TO THE FIVE CIVILIZED TRIBES.  
MUSKOGEE, I.T., JULY 30th, 1900.

In the matter of the application of Simon McIntosh, for enrollment as a citizen of the Creek Nation.

SIMON MC INTOSH, being duly sworn, testified as follows:  
(By the Commission)

- Q What is your name? A Simon McIntosh.
- Q What is your age? A About 35 or 36 as near as I can remember; I don't know anything about my age, only what my grandmother said.
- Q What Creek town do you belong to? A I think it is Arkansas.
- Q Have you ever been recognized by the tribal authorities of the Creek Nation, as a citizen of the Creek Nation? A Yes sir, I have.
- Q Have you ever been enrolled by the Creek Tribal authorities as a citizen of the Creek Nation? A Yes sir.
- Q Does your name appear upon the tribal rolls of the Creek Nation?
- A Yes, it is compelled to be; I was grown up here.

The 1890 authenticated roll of the Creek Nation Arkansas town, examined, and the name of Simon McIntosh not found thereon.

The 1891 omitted roll, Arkansas town examined, and the name of Simon McIntosh found thereon at number 52.

The 1895 authenticated roll being examined, the name was found thereon at Number 35.

- Q Where do you live? A Muskogee, Indian Territory.
- Q Do you make your residence there? A Yes sir.
- Q How long have you lived there? A I have lived here all my life until I took a notion to travel around a little; I was here before Muskogee wasn't anything, a depot and a few houses. Pretty near all my life, except what few years I traveled around; I have always made this place my home only when I traveled around.
- Q Where have you lived for the last 10 years? A In the Chickasaw Nation, Denizen Texas, part of the time.
- Q How long did you live at Denizen Texas, and when?
- A I lived in Denizen about 5 years.
- Q What years was it that you lived at Denizen Texas? A I don't know what years.
- Q Did you live at Denizen Texas in June, 1898? A Yes sir.
- Q Were you there in July, 1898? A I was there, and I was in prison as near as I can remember; yes, I was in prison because I got into trouble in the spring and never got out until pretty near the next spring.
- Q This Five years you speak of in which you resided continuously at Denizen was the four or five years previous to the time you were put in prison was it not? A No sir, the way it was, I had gone away; I had just come from over in the Territory and came there that spring, and don't believe I was there two months until I got into trouble. I was at Coal Gate and went there that spring.
- Q Are you a married man? A Yes sir.
- Q Did your wife live with you at Denizen, Texas? A Yes sir.
- Q Did she live with you in Denizen Texas in June 28th 1898?
- A Yes, I remember she written and told me while in prison, that they was enrolling here and we ought to go home; I wrote if she could get off, to go; she said she would wait until I got out.

Q You were outside of the territory prior to June 25th, 1898? A Yes  
 Q Did you ever work at Denison, Texas? A Yes sir, I never did  
 loved me to work there, that is one thing I can remember because  
 they were there.  
 Q Where were you born? A I was born at  
 Q Did you have a house at Denison, Texas? A Yes sir.  
 Q Did you rent a house there and live in it? A Yes sir.  
 Q Had you have some furniture there? A Very few, I had more things  
 than anything else.  
 Q What is the name of your father? A His name is Mack McIntosh.  
 at Red Alcock.  
 Q Is he living? A No sir.  
 Q Is his name on any roll of the Creek Nation? A No sir.  
 Q What is the name of your mother? A Aggie McIntosh.  
 Q Is she living? A No sir.  
 Q Is her name on any of the rolls of the Creek Nation? A That I  
 don't know, I was too small to remember whether she ever had it put  
 on or not.  
 Q Where were you living at the time of your marriage? A The first  
 year I went to Texas, I was living in Denison.  
 Q Your wife resided at Denison? A Yes sir.  
 Q What was your wife's name before she was married? A She was married  
 before I married, her first husband was named Kate Richards.  
 Q Is your wife now living? A Yes sir.  
 Q Living with you? A Yes sir.  
 Q Where is she living with you? A In Muskogee.  
 Q Is she a citizen by blood of the Creek Nation? A No blood.  
 Q Has she ever been married? A No sir, she was married to me.

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E. Hastain, being duly sworn, states that he is stenographer to  
 the Commission to the Five Civilized Tribes, he depose that the testi-  
 mony in the above entitled cause, and that the foregoing is a true  
 and correct transcript of his stenographic notes.

*E. Hastain*

Subscribed and sworn to before me this 11th  
 day of April, 1900 at Denison, Ind. Ter.

*[Signature]*  
 Acting Chairman.

DEPARTMENT OF THE INTERIOR,  
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application of Simon McIntosh for enrollment as a citizen of the Creek Nation.

D E C I S I O N .

It appears from the record in this case that on March 13th, 1899, Simon McIntosh appeared before the Commission and made application for enrollment as a citizen of the Creek Nation, claiming to be a Creek freedman; and that on July 30, 1900, he again appeared before the Commission and offered additional testimony in his case.

It also appears that the said Simon McIntosh has heretofore been recognized as a citizen of the Creek nation by the tribal authorities thereof, and that his name is found upon the 1891 omitted Creek pay roll, and upon the 1895 authenticated Arkansas town census roll.

It further appears that on June 28, 1898, the said Simon McIntosh was a resident of the state of Texas; and that he removed to and settled in the Creek Nation on February 11, 1899.

The act of Congress approved June 28, 1898, (30 Stats., 495) provides:

"No person shall be enrolled who has not heretofore removed to and in good faith settled in the nation in which he claims citizenship: Provided, however, That nothing in this Act shall be so construed as to militate against any rights or privileges which the Mississippi Choctaws may have under the laws of or the treaties with the United States."

It is therefore the opinion of the Commission that in accordance with the provision of law above quoted, the application of the said Simon McIntosh for enrollment as a citizen of the Creek Nation should be denied, and it is so ordered.

Commission to the Five Civilized Tribes.



Acting Chairman.

Dated at Okmulgee, Indian Territory,  
this 11th day of May, 1901.

OK 70

DEPARTMENT OF THE INTERIOR,  
COMMISSION TO THE FIVE CIVILIZED TRIBES.  
Muskogee, Indian Territory, June 5, 1901.

In the matter of the application of Simon McIntosh for his enrollment as a citizen of the Creek Nation, under the agreement approved May 25, 1901.

Simon McIntosh being first duly sworn, testified as follows:

Examination by the Commission:

- Q What is your name? A Simon McIntosh.
- Q As a citizen of what nation are you making application for enrollment? A Creek Nation.
- Q What is your name? A Simon McIntosh.
- Q What is your age? A About 37 years.
- Q What is your postoffice address? A Muskogee, I. T.
- Q Have you ever been recognized by the tribal authorities of the Creek Nation as a citizen of the Creek Nation? A Yes sir.
- Q Have you ever been enrolled by the Creek tribal authorities as a citizen of the Creek nation? A Yes sir.
- Q Does your name appear on the tribal rolls of the Creek Nation?
- A Yes sir.
- Q Where do you live? A I live here in Muskogee.
- Q How long have you lived here? A I have been here about two years. All my life before; only two years difference.
- Q Where did you live prior to two years ago? A I traveled around and worked a little in the Choctaw nation and then in Denison; only temporary; never made it my home.
- Q How long did you live in Denison? A I don't know just how long I staid in Denison because during my stay in Denison I was more in the Territory than I was in Denison, because I worked in the schools as cook.
- Q Altogether how long were you away from here? A Altogether about five or six years, but I never staid away for that long altogether. I come back to see my grandmother, since they have been living here all the time.
- Q Where were you born? A I don't know; I think here; not sure; it was rocky times when I was born here.
- Q Did you live here from the time of your birth up to the time you went to Texas? A Yes, when I came to my senses I was here.
- Q What is your father's name? A Alec McIntosh.
- Q Is he living? A No sir.
- Q Is his name on the rolls of the Creek Nation? A No sir.
- Q What was his citizenship? A He was not a citizen.
- Q Was he a United States citizen? A Yes sir.
- Q What is your mother's name? A Aggie McIntosh.
- Q Is she living? A No sir.
- Q Is her name on any of the tribal rolls of the Creek Nation?
- A No, I don't think it is; I am not sure; my mother has been dead so long I can't tell you. My grandmother is the only thing I can remember; she is living.
- Q For what purpose did you leave the Territory at the time you went out? A I just went to work.
- Q Does your name appear on the 1890 authenticated roll of the Creek Nation? A I don't know whether it appears there; I don't know how the books run; I don't know whether it appears there or not, but I have done all the drawing there was done here.
- Q What town do you belong to? A Arkapasa.

1890 authenticated Arkansas roll, Creek Nation, examined, and the name of Simon McIntosh not found thereon.

1891 Omitted roll, Arkansas Town, Creek Nation, ex-

2-Simon McIntosh.

amined, and the name of Simon McIntosh found there on at No. 52.

1895 authenticated roll of the Creek Nation, Arkansas Town examined, and the name of Simon McIntosh found thereon at No. 36.

It also appears from the records of this Commission that on the 11th day of May, 1901, the application of Simon McIntosh for the enrollment of himself as a citizen of the Creek Nation, was refused for the reason that said applicant was a non-resident of the Indian Territory prior to June 28, 1898, and did not, in good faith, remove to and settle in the nation in which he claimed citizenship (Creek Nation), in accordance with the provisions of the act of Congress approved June 28, 1898 (30 Stats., 495), which reads as follows: "No person shall be enrolled who had not heretofore removed to and settled in the Nation in which he claims citizenship."

You will be furnished at a later date with a copy of the decision of the Commission with reference to your application made by you at this time for your enrollment as a citizen of the Creek Nation, under the agreement approved May 25, 1901, which will be mailed to you at your present postoffice address, as given in your testimony.

*Francis R. Brown*

Subscribed and sworn to before me this 8th day of June, 1901.



Acting Chairman.

EMPTY



CR EN 40

CR EN 40

DEPARTMENT OF THE INTERIOR,  
COMMISSION TO THE FIVE CIVILIZED TRIBES,  
MUSKOGEE LAND OFFICE, Nov. 27, 1899.

In the Matter of the Application of:  
Elizabeth Randall, nee Stidham,  
and her grandchild, Effie Foster, as citizens of the Creek  
Nation.

-----

Messrs. Twine & Lowry appearing for the Applicant.

S. B. Callihan, being first duly sworn by Acting Chairman  
Bixby, testified as follows:

By Mr. Twine:

- Q State your name? A S. B. Callihan.  
Q Where do you live? A Muskogee.  
Q Are you a Creek citizen? A Yes sir.  
Q Do you know Elizabeth Randall, formerly Elizabeth Stidham? A Yes.  
Q How long have you known her? A Since '58.  
Q Was she a slave in this Creek Nation? A Yes, she was a slave of  
Judge G. W. Stidham, who was a citizen of the Creek Nation.  
Q You may state if you know what Judge Stidham, her master--what  
disposition if any, he made of her as his slave during the war  
of the rebellion? A He never sold her to my knowledge; he  
refugeed to Texas during the war, I don't remember whether in  
'61 or '62, and took Elizabeth Stidham and some other colored  
people who were his slaves, with him.  
Q Why do you say as to her having always been the slave of a Creek  
Indian? A so far as I know she was the slave of Judge Stidham  
up to the time of emancipation.  
Q And Judge Stidham was a Creek Indian? A Yes sir.  
By Mr. Bixby:  
Q When did you first see this woman? Did you see her during the  
war? A In '58. Yes I saw her during the war.  
Q While the war was going on? A Yes sir.  
Q Where? A Up at the old agency where Judge Stidham lived.  
Q What year was? A '60 and '61; I think they left there sometime  
in '61.  
Q Judge Stidham went to Texas? A Yes sir.  
Q Do you know from your own knowledge whether he took this woman  
with him? A I saw her there with the family in Texas.  
Q When did she come back to the nation? A I don't know.  
Q When did you first see her in the Creek Nation? A I don't re-  
member; several years ago.  
Q Only a few years ago? A I don't remember how many.  
Q Since the railroad was built through here? A Yes sir.  
Q Since '71? A Yes sir.  
Q Did you see her here at the time of the Dunn payment in '67?  
A No sir.  
Q Did you see her in the Creek Nation between '61 and the year '68?  
A No sir.

Elizabeth Randall, being first duly sworn by Acting Chairman  
Bixby, testified as follows:

By Mr. Twine:

- Q What is your name? A Elizabeth Stidham, Randall.  
Q Your maiden name was Elizabeth Stidham? A Yes sir.  
Q How old are you? A Over 50 years.  
Q Where were you born? A I was born in Alabama.  
Q How did you come, and by whom were you brought to the Creek Nation?  
A By Panny Levett.

- Q You were brought from Alabama to the Creek Nation by a Creek Indian? A Yes sir.
- Q Were you a slave in this Creek Nation after having been brought here by a Creek Indian? A Yes sir.
- Q Who was your master? A Stidham.
- Q How long did you stay in the nation after having been brought here by the Creek Indians? A I grew up here; I was small when I came from Alabama.
- Q You staid here to the war of therebellion? A Yes sir.
- Q Did your master ever sell you? A No, I was never sold in my life.
- Q When you were carried south during the war, what was done with you? A He hired me out to a Cherokee Indian by the name of Joe Cooley.
- Q Then you were taken out of this Creek Nation into Texas against your will, were you? A Yes sir.
- Q And if you did have a right, when you were taken out by your master, you didn't know it? Did you? A No sir.
- Q What was your mother's name? A Rachael Stidham.
- Q Was she a Greek slave also? A Yes sir.
- Q You have a grandchild have you? A Yes sir.
- Q What is the grandchild's name? A Rffie Foster.
- Q How old is she? A She is only 15 I think.
- Q After you were carried to Texas, and after you learned that you were free, why was it that you did not come back here at once?
- A I didn't have nothing to come on; I had to wait until I could get something to come on.
- Q You were never the slave of anyone else except Stidham, a Creek Indian? A I never was; I belonged to him all my life.
- By Mr. Bixby:
- Q Have you ever been enrolled by the Creek authorities? A No.
- Q Did you ever apply to the Creek Committee or council or commission at Okmulgee? A Yes, I have been up there.
- Q How many times have you been to Okmulgee? A I have been there two or three different times.
- Q Were you refused enrollment? A They said they was going to attend to it every time.
- Q But they never did? A They fixed it once, but I never did see--
- Q You never heard that they did it? A No sir.
- Q Did you appear before the citizenship committee in '95? A I was before Chief Perryman.
- Q Did you ever appear before the Colbert Commission? A I don't know what that is.
- Q Did you ever appear before the Committee of 18? A I guess so.
- Q Did you ever apply to the council? A I have been up to the council.
- Q Did you ever apply to the Dawes Commission before this time?
- A I went to the Dawes Commission at Coweta.
- Q Did you appear before the Dawes Commission in '96? Three years ago
- A I don't know; I know when they was here.
- Q You never have been admitted by any of these commissions or councils, or the Dawes Commission, have you? A No sir.
- Q You were carried to Texas by Mr. Stidham at the breaking out of the war, were you? A Yes, when they was going to fight; when they was beginning.
- Q How long did you stay in Texas? A A long time; I don't know.
- Q Ten years? A I don't think he staid there that long.
- Q How long did you stay? A I staid there a long time; he brought my brother and them to Red River, and he kept me hired out to an Indian.
- Q You didn't come back for twenty years? A I don't know how long.
- Q You didn't come back until after the railroad was built through Muskogee? A I couldn't; I tried but I couldn't.
- Q You didn't, did you? A No sir.

Jesse Johnson being first duly sworn by Acting Chairman Bixby, testified as follows:

- Q What is your name? A Jesse Johnson, they call me. They sometimes call me Jesse Stidham.
- Q How old? A I guess about 45 or 50.
- Q Are you a Creek freedman? A Yes sir.
- Q Have you been enrolled by this Commission? A Yes sir.
- Q Are you on the Dunn roll? A Yes sir.
- Q What relation are you to Elizabeth Stidham or Randall? A She is my sister.
- Q Was you taken to Texas during the war of the rebellion by your master? A Yes sir.
- Q Was Elizabeth Stidham taken at the same time? A Yes sir.
- Q Was she ever sold by your master? A No sir.
- Q Always the slave of Stidham? A Yes sir.
- Q Has she a granddaughter? A Yes sir.
- Q What is her name? A They call her Ethel.
- Q You got away and came back did you? A Yes sir.
- Q Where was your sister there? A We lived over in Sulphur Springs Texas.
- Q You left her there when you came here? A Yes, she was staying with a man by the name of Cody.
- Q Was that the man she was hired out to by her master? A I think she was staying with Thornsberry, old Mass. Stidham's mother-in-law; it has been so long I can't tell.
- Q How long had you been back at the time the Dunn roll was made?
- A I coul n't tell, but I came back before the Creek delegation came back from Washington, and after they came back, of course they enrolled.

By Mr. Bixby: It appears from the testimony, that the applicant, Elizabeth Randall resided in the Creek Nation as the slave of a Creek Indian under the Creek Laws and usages, and was taken out of the Creek nation by her master at the breaking out of the war, but she did not return to the nation within one year after the ratification of the treaty of '66, and although she may, perhaps, be the daughter of a person whose name appears on the Dunn roll, she was not enrolled thereon in 1867; neither does her name appear upon any of the rolls of the Creek Nation in the possession of this Commission. It appears also, that she has made repeated ~~affixes~~ applications to the Creek authorities for admission as a citizen of the Creek Nation, and has been refused. Therefore, the judgment of this Commission is that she is not entitled to enrollment. It follows that her grandchild also, is not entitled to enrollment.

To which the attorneys for the Applicants except and give notice of appeal.

## Department of the Interior,

Commission to the Five Civilized Tribes.

I hereby certify, upon my official oath, as stenographer to above named Commission, that this transcript is a true, full and correct translation of my stenographic notes.

*James R. Brown*

DEPARTMENT OF THE INTERIOR,  
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application of Elizabeth Randall, nee Stidham, for the enrollment of herself and her grandchild, Effie Foster, as citizens of the Creek Nation.

D E C I S I O N .

It appears from the evidence in this case that on November 27, 1899, Elizabeth Randall, nee Stidham, appeared before the Commission to the Five Civilized Tribes, at Muskogee, Indian Territory, and made application for the enrollment of herself and her grandchild, Effie Foster, as citizens of the Creek Nation, on the ground that they were Creek freedmen.

It further appears that the said applicants above named have never been enrolled by the tribal authorities of the Creek Nation and that their names do not appear upon the tribal rolls of the Creek Nation now in the possession of this Commission; that they have not been admitted to citizenship in the Creek Nation by the Commission to the Five Civilized Tribes, or by the legally constituted authorities of the Creek Nation, or by the United States Court in Indian Territory on appeal, in accordance with the provisions of the act of Congress approved June 10, 1896 (29 Stats., 321).

It also appears from an examination of the roll of Creek freedmen made by J. W. Dunn under authority of the United States, prior to March 14, 1867, that the name of the applicant, Elizabeth Randall, does not appear thereon, although she was born long prior to the date of said roll.

The act of Congress of June 28, 1898 (30 Stats., 495), among other things, provides:

"The roll of Creek freedmen made by J. W. Dunn, under authority of the United States, prior to March fourteenth, eighteen hundred and sixty-seven, is hereby confirmed, and said commission is directed to enroll all persons now living whose names are found on said rolls, and all descendants born since the date of said roll to persons whose names are found thereon, with such other persons of African descent as may have been rightfully admitted by the lawful authorities of the Creek Nation."



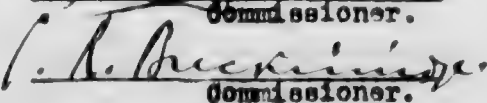
The act of Congress of May 31, 1900 (31 Stats., 221), among other things, provides:

"That said commission shall continue to exercise all authority heretofore conferred on it by law. But it shall not receive, consider, or make any record of any application of any person for enrollment as a member of any tribe in Indian Territory who has not been a recognized citizen thereof, and duly and lawfully enrolled or admitted as such, and its refusal of such applications shall be final when approved by the Secretary of the Interior."

It is therefore the opinion of this Commission that Elizabeth Randall, nee Stidham, and her grandchild, Effie Foster, are not lawfully entitled to be enrolled as citizens of the Creek Nation and that the application for their enrollment as such should be refused and it is so ordered.

The Commission to the Five Civilized Tribes.

Dated at Muskogee, Indian Territory,  
this 7th day of May, 1902.

  
Acting Chairman.  
  
Commissioner.  
  
Commissioner.



(COPY)

Muskogee, Ind. Ter., May 8, 1902.

The Honorable,  
The Secretary of the Interior,  
Washington, D. C.

Sir:

There is herewith transmitted the record of proceedings in the matter of the application made by Elizabeth Sandell, nee Stidham, for the enrollment of herself and Effie Foster as citizens of the Creek Nation, including the decision of the Commission, dated May 7, 1902, denying same.

Yours truly,

T. B. BENDERS.

Commissioner in Charge.

Through the

Commissioner of Indian Affairs.

Creek-40.

1 enclosure.

OCR.



(COPY)

Muskogee, Ind.Ter., May 8, 1902.

Elizabeth Randall,

Care of Abe Randall,

Muskogee, Ind.Ter.

Dear Madam:

There is herewith enclosed a copy of the decision of the Commission to the Five Civilized Tribes in the matter of the application made by you for the enrollment of yourself and Effie Foster as Creek freedmen.

The decision, with a copy of the proceedings had in the case, is this day transmitted to the Secretary of the Interior for his review and decision. The final decision of the Secretary will be made known to you as soon as the Commission is informed of the same.

Yours truly,

T. B. NEEDLES.

Commissioner in Charge.

Creek-40.

1 enclosure.

Registered.

CCN.

(COPY)

Muskogee, Ind. Ter., May 8, 1902.

Twine & Lowery,

Attorneys for Elisabeth Randall,  
Muskogee, Ind. Ter.

Gentlemen:

There is herewith enclosed a copy of the decision of the Commission to the Five Civilized Tribes in the matter of the application made by Elisabeth Randall, nee Stidham, for the enrollment of herself and Effie Foster as citizens of the Creek Nation.

The decision, with a copy of the proceedings had in the case, is this day transmitted to the Secretary of the Interior for his review and decision. The final decision of the Secretary will be made known to you as soon as the Commission is informed of the same.

Yours truly,

T. B. HARRIS.

Commissioner in Charge.

Creek-40.

1 enclosure.

Registered.

OCH.

(COPY)

Muskogee, Ind. Ter., May 6, 1902.

A. P. McKelley, Esq.,

H. C. Reed, Esq.,

Attorneys for Creek Nation,

Muskogee, Ind. Ter.

Gentlemen:

There is herewith enclosed a copy of the decision of the Commission to the Five Civilized Tribes in the matter of the application made by Elizabeth Randall, nee Stidham, for the enrollment of herself and Effie Foster as citizens of the Creek Nation.

The decision, with a copy of the proceedings had in the case, is this day transmitted to the Secretary of the Interior for his review and decision. The final decision of the Secretary will be made known to you as soon as the Commission is informed of the same.

Yours truly,

T. B. NEEDERS.

Commissioner in Charge.

Creek-40.

1 enclosure.

Registered.

CCN.

(C O P Y)

Refer in reply to  
the following:

18942-1902,  
18244-1902.

DEPARTMENT OF THE INTERIOR,  
Office of Indian Affairs,

WASHINGTON, May 19, 1902. -

The Honorable,

The Secretary of the Interior.

Sir:

I have the honor to transmit herewith a report made May 8, 1902, by the Commission to the Five Civilized Tribes forwarding the record in the matter of the application of Elizabeth Randall, nee Stickum, for the enrollment of herself, and her grandchild, Effie Foster, as citizens of the Creek Nation.

The Commission refused to admit the applicants as citizens of the Creek Nation.

It appears that Elizabeth Randall is a negro; that she was a slave before the war and was taken by her master to the State of Texas; that she did not return until several years after peace was declared; and that her name does not appear on the Dunn Roll of 1867. Therefore she cannot be enrolled as a member of the Creek tribe of Indians.

The claim of applicant's grand-daughter must rest on any rights which Elizabeth Randall has, and as it is shown that Elizabeth Randall is not entitled to enrollment in the Creek Nation, it necessarily follows that the grand-

-2-  
daughter is not entitled to any citizenship rights in said nation.

With the papers there is an appeal filed direct in this office by Messrs. Twine & Lowery, attorneys for the applicant.

It is respectfully recommended that the Commission be advised that its decision in this case is affirmed.

Very respectfully,

Your obedient servant,

A. C. TOWNER.

Acting Commissioner.

WCV  
D

4 inclosures.

(C O P Y)

34965

DEPARTMENT OF THE INTERIOR,  
WASHINGTON.

I.T.D. 3194-1902.

June 9, 1902.

L.R.S.

Commission to the Five Civilized Tribes,

Muskogee, I. T.

Gentlemen:

May 8, 1902, you transmitted the record in the matter of the application for enrollment of Elizabeth Randall and her grandchild, Effie Foster, as citizens of the Creek Nation, on the ground that they were Creek freedmen.

It is stated in your decision of May 7, 1902, that neither of the applicants has ever been enrolled by the tribal authorities, or admitted to citizenship by any proper tribunal; that the name of Elizabeth Randall is not found on the J. W. Dunn roll made prior to March 14, 1867. You refused the application.

In his letter of May 19, 1902, the Acting Commissioner of Indian Affairs recommends that your decision be approved. A copy of his letter is inclosed.

The Department affirms your decision.

Respectfully,

THOS. RYAN.

Acting Secretary.

1 inclosure.

END.



C O P Y

Muskogee, Ind. Ter., June 23, 1902.

A. P. McKelley, Esq.,

H. C. Reed, Esq.,

Attorneys for Creek Nation,

Muskogee, Ind. Ter.

Gentlemen:

You are hereby advised that the Secretary of the Interior, under date of June 9, 1902, affirmed the decision of the Commission, dated May 7, 1902, denying the application of Elisabeth Randall, nee Stidham, for the enrollment of herself and her grandchild, Effie Foster, as citizens of the Creek Nation.

Yours truly,

T. B. NICHOLS.

Commissioner in Charge.

Creek-40.

OCH.

C O P Y

Muskogee, Ind. Ter., June 23, 1902.

Elizabeth Randall,

c/o Abe Randall,

Muskogee, Ind. Ter.

Dear Madam:

You are hereby advised that the Secretary of the Interior, under date of June 9, 1902, affirmed the decision of the Commission, dated May 7, 1902, denying the application made by you for the enrollment of yourself and your grandchild, Effie Foster, as citizens of the Creek Nation.

Yours truly,

T. B. HENDLER.

Commissioner in Charge.

Creek-40.

OCH.

C O P Y

Muskogee, Ind.Ter., June 23, 1902.

Messrs. Twine & Lowry,

Attorneys for Elizabeth Randall,

Muskogee, Ind. Ter.

Gentlemen:

You are hereby advised that the Secretary of the Interior, under date of June 9, 1902, affirmed the decision of the Commission, dated May 7, 1902, denying the application of Elizabeth Randall, nee Stidham, for the enrollment of herself and her grandchild, Effie Foster, as citizens of the Creek Nation.

Yours truly,

T. B. NEEDLES.

Commissioner in Charge.

Creek-40.

QCH.

C O P Y

Muskogee, Ind.Ter., June 23, 1902.

Cherokee Enrollment Division,  
Commission to the Five Civilized Tribes,  
Muskogee, Indian Territory.

Gentlemen:

You are hereby advised that the Secretary of the Interior, under date of June 9, 1902, affirmed the decision of the Commission, dated May 7, 1902, denying the application for the enrollment of Moses, Bessie (or Passie), Dave, Susan and Clyde Fox, as citizens of the Creek Nation.

It appears from copies of testimony on file in Creek Enrollment Division that application has been made for these people for enrollment in the Cherokee Nation, and that they have elected to be enrolled in said nation. It further appears that they have been listed as Cherokees by blood, upon doubtful card, pending the determination of their citizenship in the Creek Nation.

Yours truly,

T. B. HENDLER.

Commissioner in Charge.

Creek-28.

COH.

C O P Y

Muskogee, Ind.Ter., June 23, 1902.

Cherokee Enrollment Division,  
Commission to the Five Civilized Tribes,  
Muskogee, Indian Territory.

Gentlemen:

You are hereby advised that the Secretary of the Interior, under date of June 9, 1902, affirmed the decision of the Commission, dated May 7, 1902, denying the application for the enrollment of Moses, Bessie (or Passie), Dave, Susan and Cynda Fox, as citizens of the Creek Nation.

It appears from copies of testimony on file in Creek Enrollment Division that application has been made for these people for enrollment in the Cherokee Nation, and that they have elected to be enrolled in said nation. It further appears that they have been listed as Cherokees by blood, upon doubtful card, pending the determination of their citizenship in the Creek Nation.

Yours truly,

T. B. KENDALL.

Commissioner in Charge.

Creek-28.

GCH.

## DEPARTMENT OF THE INTERIOR.

Before the Hon. Dawe's Commission, at Muscogee, I.T., and the  
Hon. Secretary of the Interior at Washington, D.C.

**Elizabeth Randall, nee Stidham and  
Effie Foster,**  
**vs**  
**The Creek or Muscogee Nation,**  
**Defendants.**

Appert

Come now the plaintiff in the above styled cause and appeal from the following decision of the Hon. Dawe's Commission for the following reasons to-wit:

### Decision of the Dawe's Commission.

By Mr. Bixby:-

• It appears from the testimony that the applicant Elizabeth Randall resided in the Creek Nation as a slave of a Creek Indian under the Creek laws and usages and was taken out of the Creek Nation by her master at the breaking out of the War, but she did not return to the Nation within one year after the ratification of the Treaty of 1866, and although she may perhaps be the daughter of a person whose name appears on the Dism roll, she was not enrolled thereon in 1867, neither does her name appear on any of the rolls of the Creek Nation in the possession of this Commission. It appears also that she has made repeated application to the Creek Authorities for admission as a citizen of the Creek Nation and has been refused.

Therefore the judgement of this Commission is that she is not entitled to enrollment. It follows that her grand-child also is not entitled to enrollment.



DEPARTMENT OF THE INTERIOR.

Before the Hon. Dawe's Commission, at Muscogee, I.T., and the  
Hon. Secretary of the Interior at Washington, D.C.

Elizabeth Randall, nee Stidham and )  
 Effie Foster, )  
 plaintiffs, )  
 vs )  
 The Creek or Muscogee Nation, )  
 Defendants. )

Appert

Come now the plaintiff in the above styled cause and appeal from the following decision of the Hon. Dawe's Commission for the following reasons to-wit:

### Decision of the Dawe's Commission.

By Mr. Bixby:-

• It appears from the testimony that the applicant Elizabeth Randall resided in the Creek Nation as a slave of a Creek Indian under the Creek laws and usages and was taken out of the Creek Nation by her master at the breaking out of the War, but she did not return to the Nation within one year after the ratification of the Treaty of 1866, and although she may perhaps be the daughter of a person whose name appears on the Dush roll, she was not enrolled thereon in 1867, neither does her name appear on any of the rolls of the Creek Nation in the possession of this Commission. It appears also that she has made repeated application to the Creek Authorities for admission as a citizen of the Creek Nation and has been refused.

Therefore the judgement of this Commission is that she is not entitled to enrollment. It follows that her grand-child also is not entitled to enrollment.

### ASSIGNMENT OF ERRORS.

The above decision is first contrary to the law. Second: It is contrary to the evidence. Third: It is contrary to the law and evidence. The law in the case at bar is according to Art. 2, of the Treaty with the United States of America, concluded June 14th, 1866, ratification advised with amendments July 19th, 1866, amendments excepted July 23rd, 1866, which Article reads as follows:

#### Art. II.

The Creeks hereby covenant and agree that henceforth neither slavery nor involuntary servitude otherwise, than in the punishment of crimes whereof the parties have been duly convicted in accordance with the law applicable to all members of said tribe shall ever exist in said Nation and in as much as there are among the Creeks many persons of African descent, who have no interest in the soil, it is stipulated that here after these persons lawfully residing in said Creek Country under their laws and usages or who may have been thus residing in said country and may return within one year from the ratification of this Treaty and their descendants and such other persons of the same race as may be permitted by the laws of said Nation to settle within the limits of the jurisdiction of the Creek Nation as citizens thereof, shall have and enjoy all the rights and privileges of native citizens including an equal interest in the soil and National funds and the laws of said Nation shall be equally binding upon and give equal protection to all such persons and all others of whatsoever race or color, who may be adopted as citizens or members of said Tribe.

Plaintiffs in the above cause believe that the spirit and intent of the law above referred to is, that all of that class of persons of African descent who were the slaves of Creek Indians, should be made Creek citizens, commonly termed Creek Freedmen.

Plaintiffs further believe that the intention of the above law was that if the Creek slaves were carried beyond the jurisdiction of the Creek Nation by Creek citizens and remained the chattel property of Creek citizens while beyond the jurisdiction of the said Creek Nation that they were still to all intents and purposes, Creek slaves, and if their owners, who were Creek citizens kept said slaves beyond the jurisdiction of the Creek Nation at the time the Dunn roll was made that said slaves who were so kept beyond the jurisdiction of the Creek Nation by their owners who were Creek citizens, that still in the event, they are to all intent and purposes Creek Freedmen and should be and allowed to be enrolled as Creek Freedmen.

This is exactly the condition of the plaintiffs in this case. The evidence in the case goes to show that Elizabeth Randall was born in the State of Alabama and at the time of her birth, became the slave of a Creek Indian. That when the Creek Tribe of Indians moved Westward into the what is now known as the Muscogee or Creek Nation, they brought Elizabeth Randall with other slaves into this Territory. The evidence further shows that she remained in what is now known as the Indian Territory and in the Creek Nation as a slave up to the time of the breaking out of the Civil War.

The evidence further shows that she and other slaves were refugees or carried to Texas by their master a Creek Indian during the Civil War and that she, Elizabeth Randall was never sold by her master,

while in Texas, but was always the slave of a Creek Indian.

The evidence further shows that it was through no fault of the plaintiff, Elizabeth Randall that she was not upon Creek soil when the Dunn roll was made, but rather the fault of her master, a Creek Indian, in whose service she was.

The testimony introduced in this case is that of undisputed Creek citizens and the evidence also shows that all of the relatives of plaintiff, Elizabeth Randall are Creek Freedmen and enrolled as such, and that the mother of this plaintiff, Elizabeth Randall, is enrolled upon the Dunn roll, as are also her sisters and brothers.

That Effie Foster, one of the plaintiffs in this case is the grand daughter of Elizabeth Randall and the Great Grand-daughter of

Reverend Stillhouse That the great grand-  
daughter of Effie Foster was enrolled as a Creek Freedman on the Dunn roll. That since the plaintiff, Elizabeth Randall has shown herself to come clearly within the law as a Creek slave, and that since her mother is enrolled upon the Dunn roll and since Effie Foster has shown herself to be the great grand-daughter of a Freedman who is enrolled upon the Dunn Roll, it seems perfectly clear to plaintiffs that they have established their case and ought to be enrolled as Creek Freedmen. That there is no evidence on file disputing the contention of plaintiffs.

These premises considered, plaintiffs pray the Hon. Secretary of the Interior to review the evidence submitted in this case to the Hon. Dawe's Commission rendered on the 22nd day of Nov., 1899, to reverse the decision made by the said Hon. Dawe's Commission and that an order be made by the Hon. Secretary of the Interior directing the

Hon. Dawe's Commission to enroll plaintiffs as Creek Freedmen and to do whatever else equity and good conscience would demand in the above cause and your petitioners will ever pray.

Shwin and Lowery  
Attorneys for Appellants.

Muscogee Indian Tribe

Filed

Jan. 18 1900

Elizabeth Randall vs.  
Edith Kane and  
Effie Foster

vs

Muskegon or Crook  
Nation

---

Appeal

Twine & Lowery  
Attys for Plaintiff  
Muskegon Ind. Co.



CR EN 4/

CR EN 4/

DEPARTMENT OF THE INTERIOR.  
COMMISSION TO THE FIVE CIVILIZED TRIBES.  
MUSCOGEE, I. T., DEC. 6", 1899.

IN THE MATTER OF THE APPLICATION FOR ENROLLMENT AS A CITIZEN OF  
THE CREEK NATION OF Charlie Wallace.

BY Mr. Angell.

SAM BRUNNER, being sworn by Acting Chairman, Tans Bixby, testified  
as follows:

- Q. What is your name? A. Sam Brunner.  
Q. How old are you? A. Forty five.  
Q. Are you a citizen of the Creek Nation? A. Yes sir.  
Q. Are you on the Dunn Roll? A. Yes sir.  
Q. What was your fathers name? A. Tecumseh Brunner.  
Q. What was your mothers name? A. Tena McQueen.  
Q. Did you have any brothers and sisters, if so please name them?  
A. John Tecumseh Brunner, Charity Brunner ~~and~~ ~~xxxxxxxxxxxxxxxxxxxx~~  
Q. Have you any half brothers and sisters? A. Yes sir.  
Q. Please name them. A. August Brunner, Nick Brunner, Ranscy Brun-  
ner, Hanna Johnson, Polly Franklin, Harriet Brunner.  
Q. You did not have a sister by the name of Aurilla Brunner?  
A. I did not know her by that name. No sir, I did not have a sister  
by the name of Aurilla.  
Q. Did you have a half sister by the name of Fredonia Brunner?  
A. Yes sir.  
Q. Is she on the Dunn Roll? A. I do not know.  
Q. Was she ever known by the name of Aurilla Brunner? A. No sir.  
Q. You never knew her by that name? A. No sir.  
Q. What makes you think that Aurilla Brunner, whose name is on the  
Dunn Roll, is your sister?  
A. A/ because she was found with me., and people knew her by  
that name.  
Q. Then as a matter of fact, all you know about it, is what people  
told you? A. Yes sir, my father told me that and my sister told me  
that, she died there at home.  
Q. You can not swear positively that Aurilla Brunner is on the Dunn  
Roll? A. No sir.

By Mr. Gregory.

- Q. You do not know that Aurilla Brunner, that is on the Dunn Roll  
is the Aurilla Brunner that you are speaking of? A. No sir.

Samuel Brunner

Sworn to and subscribed before me this 6<sup>th</sup> day of December, 1899  
at Muscogee, I. T.

  
ACTING CHAIRMAN.

DEPARTMENT OF THE INTERIOR.  
COMMISSION TO THE FIVE CIVILIZED TRIBES.  
MUSCOGEE, I. T., DEC. 6", 1899.

IN THE MATTER OF THE APPLICATION FOR ENROLLMENT AS A CITIZEN OF THE  
CREEK NATION OF ~~Aurilla~~ Chanie Wallace.

- Q. What is your name? John Dean.  
Q. How old are you? A. Bout twenty nine.  
Q. Are you a citizen of the Creek Nation? A. Yes sir.  
Q. Are you a Dann Rell descendant? A. No sir, but my father is.  
Q. What is your fathers name? A. Dad Dean.  
Q. What was your mothers name? A. Aurilla Brunner.  
Q. Did you know your mother? A. Yes sir.  
Q. Live with her for a number of years? A. Yes sir.  
Q. How long? A. Untill I was about twelve years old.  
Q. Did she die at that time? A. Yes sir.  
Q. How did you know her name was Aurilla Brunner? A. She told me.  
Q. Did you have any brothers and sisters? A. Yes sir.  
Q. Please give their names? A. Chanie Brown, Fred Brown, Rena Brown, Sy Brown, Lemuel Brown.  
Q. Are these all full brothers and sisters? A. ~~Wallace~~. No sir.  
Q. Who is the father of these five children you have just mentioned?  
A. Jeff Brown.  
Q. These children are all younger than you A. Yes sir.  
Q. Did Aurilla separate from your own father? A. Yes sir.  
Q. Then married this Jeff Brown? A. Yes sir.  
Q. These five children then, you have just mentioned, are the result of Aurilla marriage with Jeff Brown? A. Yes sir.  
Q. Did you go and live with your mother after she had married Jeff Brown? A. Yes sir, I stayed right with her untill she died.  
Q. Where was your father all this time? A. Muscogee, I. T.  
Q. Then you left your father and went to live with your mother?  
A. Yes sir.  
Q. Do you know Chanie Wallace? A. Yes sir.  
Q. Is she the daughter of Aurilla Brunner? A. Yes sir.  
Q. She married a man by the name of Wallace? A. Yes sir.  
Q. You do not know anything about Aurilla being on the Dann Rell, except by hearsay? A. No sir, I can not read.  
Q. Have you lived right along with these brown children all the time?  
A. Yes sir.  
Q. Then Chanie Wallace is the daughter of Aurilla Brunner by Jeff Brown? A. Yes sir.  
Q. Do you know Sam Brunner, A. Yes sir.  
Q. Is Sam a brother of Aurilla Brunner? A. Yes sir.  
Q. How do you know that to be a fact? A. My Grandfather told me.  
Q. Who was your grandfather? A. Tecumseh Brunner.

WITNESS:

*R. P. Chambers*  
*W. H. Angell*

*John X Dean*  
*Chairman*

Sworn to and subscribed before me this 6<sup>th</sup> day of December, 1899,  
at Muscogee, I. T.

ACTING CHAIRMAN.

DEPARTMENT OF THE INTERIOR,  
COMMISSION TO THE FIVE CIVILIZED TRIBES,  
Okmulgee, March 26, 1901.

In the Matter of the Application of Chaney Wallace nee Brown et al for enrollment as citizen of the Creek nation.

Chaney Wallace, being first duly sworn by Acting Chairman Bixby, testified as follows:

Q By Mr. Bixby:

- Q What is your name? A Chaney Wallace.  
Q How old are you? A 28 years.  
Q What is your postoffice address? A Bearden, I. T.  
Q Are you a citizen of the Creek nation? A Yes sir.  
Q What town do you claim to belong to? A I don't know what town I belong to; belonged to Arkansas town in the payment.  
Q What payment? A \$14 payment.  
Q Is your name on the Creek rolls? A It is on the payment roll I guess.  
Q Of Arkansas town? A Yes sir.  
Q You got the money anyway, did you? Got the \$14.40? A Yes, I got that.  
Q What is your father's name? A Jeff Brown.  
Q Is he living? A Yes sir.  
Q Is your father a Creek? A No sir.  
Q What is he? A United States man.  
Q What is your mother's name? A Aurelia Bruner. On the Dunn roll they call her Fredonia Bruner.  
Q Is she living? A No sir.  
Q Her name is on the Dunn roll? A Yes sir.  
Q How do you know your mother's name is on the Dunn roll?  
A Because my folks tells me so; older heads than I am and I am bound to believe it.  
Q How long has your father been dead? A About 18 years.  
Q Do you remember hearing her talk anything about the Dunn roll?  
A No sir.  
Q Did she draw the bread money? A I don't know that. That was before my time.  
Q What do you want to testify to? yourself? A I didn't say I wanted to swear to anything.  
Q Did you have any children then? A Yes, I had one.  
Q What was its name? A He put his name down as Wash Brown.  
Q Who else drew money with you in 1895? A My brothers and sisters.  
Q What are their names? A Oldest Rena. Fred, Siah and Lemmy.  
Authenticated 1895 roll, Arkansas town, Creek nation examined and the name of Chaney Wallace found, Nov 1906-1911. Also the names of Rena, Fred, Siah Lemmy and Wash Brown.

-----Q-----

Paro Bruner, being first duly sworn, testified as follows:  
Examination by Mr. Bixby:

- Q What is your name? A Paro Bruner.  
Q How old are you? A About 75 years.  
Q What is your postoffice address? A Holdenville, I. T.  
Q In the Creek nation? A Yes sir.  
Q How long have you lived in the Creek nation?  
A All my life; during the war I went to Kansas, and right back.  
Q Are you a citizen of the Creek nation? A Yes sir.  
Q Do you occupy any official position? A Yes sir. town king of Canadian colored.  
Q How long have you been town king? A This is going on six years.  
Q Have you ever held any other office? A Yes, been in the house of warriors nearly twenty years.  
Q Do you know anything about the Creek freedmen? A Yes sir.  
Q Do you know the members of the Arkansas colored town pretty well?  
A Brother Bill.

2-Chaney Wallace.

- Q Do you know the old people? A Yes, pretty well. Some of them.  
Q Do you know Chaney Wallace? A Yes sir.  
Q How long have you known her? A It has been-- I can't tell now, but it has been a good while.  
Q Did you know her mother? A Yes sir.  
Q What was her mother's name? A Irena (Aurelia); her mother was my uncle's daughter.  
Q What was her name? A Sometimes they called her Fredonia, and sometimes Irena.  
Q Was she a Creek freedman.  
A She was a Creek freedman for she was here when the treaty was ratified and her father enrolled her; enrolled her right with his son, Sam.  
Q Was her mother a slave? A Yes sir.  
Q You know that of your own knowledge? A Yes sir.  
Q Who owned her? A A white man by the name of Capt. Spring.  
Q She was not a slave of an Indian was she? A No, but she was born in the Territory.  
Q Was she here at the time of the ratification of the treaty?  
A Yes sir.  
Q Was she here at the time peace was declared? A Yes sir. Her father enrolled her and she went back to Ft. Smith, and then she came back here the wife of this here man, Jeff Brown.  
Q Do you know whether or not this ~~woman~~ woman ever drew any money or not? A On the \$29 payment she was kind of squandulated out of the money, but the \$14 she drew in the Arkansas money.  
Q How did she come to be squandulated out of the money?  
A She was not on the roll; she was on some omitted roll as many was omitted; I have been writing to the council time and again.  
Q What roll did she get the \$14.40 on? A The Arkansas colored; You can also examine the North Fork.

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J. Jeff Brown being first duly sworn by Acting Chairman Bixby, testified as follows:

- Q What is your name? A T. Jeff Brown.  
Q How old are you? A 48 years.  
Q What is your postoffice address? A Wewoka, I. T.  
Q What is your citizenship? A None  
Q Are you the father of Chaney Wallace? A Yes sir.  
Q What is the name of her mother? A She had several names, but her right name was Irella Fredonia Bruner. I married her by the name of Fredonia Bruner. Her mother gave me that name.  
Q Was she a citizen of the Creek nation? A Yes, as far as I knew she was.  
Q Was her name on the Dunn roll? A Yes, so far as I know.  
Q When did she die? A She died in 1884-5 I believe.  
Q Has your daughter Chaney always been recognized as a citizen of the Creek Nation? A Yes sir.  
Q Has her citizenship ever been questioned? A Not until I heard of it lately when they was to prove up their rights before this Commission, I heard her rights was contested in some shape.  
Q Rights contested before the Colbert Commission or the council? or the Commission? A No, it has never been contested as I learned before this Commission.  
Q Did she draw the \$29? A No sir.  
Q Why not? A I suppose it must have been in the neglect of the officers; they got a list of a whole lot of them wrong. I didn't find out until after wards that she was not enrolled.  
Q She got the \$14.40 for herself and her child? A Yes sir.  
Q How do you know she did? A I saw her with part of the money.  
Q Did you see her get it? A Yes, I saw her get it--mighty near--mighty near she got it. I am satisfied she did.  
Q When did Aurelia Bruner die? A She died in 1884 I think.  
Q Was she married before you married her? A Yes sir.

2-Chaney Wallace.

- Q Do you know the old people? A Yes, pretty well. Some of them.
- Q Do you know Chaney Wallace? A Yes sir.
- Q How long have you known her? A It has been-- I can't tell now, but it has been a good while.
- Q Did you know her mother? A Yes sir.
- Q What was her mother's name? A Irena (Aurelia); her mother was my uncle's daughter.
- Q What was her name? A Sometimes they called her Fredonia, and sometimes Irena.
- Q Was she a Creek freedman.
- Q She was a Creek freedman for she was here when the treaty was ratified and her father enrolled her; enrolled her right with his son, Sam.
- Q Was her mother a slave? A Yes sir.
- Q You know that of your own knowledge? A Yes sir.
- Q Who owned her? A A white man by the name of Capt. Spring.
- Q She was not a slave of an Indian was she? A No, but she was born in the Territory.
- Q Was she here at the time of the ratification of the treaty?
- A Yes sir.
- Q Was she here at the time peace was declared? A Yes sir. Her father enrolled her and she went back to Ft. Smith, and then she came back here the wife of this here man, Jeff Brown.
- Q Do you know whether or not this ~~man~~ woman ever drew any money or not? A On the \$29 payment she was kind of squandulated out of the money, but the \$14 she drew in the Arkansas money.
- Q How did she come to be squandulated out of the money?
- A She was not on the roll; she was on some omitted roll as many was omitted; I have been writing to the council time and again.
- Q What roll did she get the \$14.40 on? A The Arkansas colored; You can also examine the North Fork.
- 0-----

J. Jeff Brown being first duly sworn by Acting Chairman Bixby, testified as follows:

- Q What is your name? A T. Jeff Brown.
- Q How old are you? A 48 years.
- Q What is your postoffice address? A Wewoka, I. T.
- Q What is your citizenship? A None
- Q Are you the father of Chaney Wallace? A Yes sir.
- Q What is the name of her mother? A She had several names, but her right name was Irella Fredonia Bruner. I married her by the name of Fredonia Bruner. Her mother gave me that name.
- Q Was she a citizen of the Creek nation? A Yes, as far as I knew she was.
- Q Was her name on the Dunn roll? A Yes, so far as I know.
- Q When did she die? A She died in 1884-5 I believe.
- Q Has your daughter Chaney always been recognized as a citizen of the Creek Nation? A Yes sir.
- Q Has her citizenship ever been questioned? A Not until I heard of it lately when they was to prove up their rights before this Commission, I heard her rights was contested in some shape.
- Q Rights contested before the Colbert Commission or the council? or the Commission? A No, it has never been contested as I learned before this Commission.
- Q Did she draw the \$29? A No sir.
- Q Why not? A I suppose it must have been in the neglect of the officers; they got a list of a whole lot of them wrong. I didn't find out until after wards that she was not enrolled.
- Q She got the \$14.40 for herself and her child? A Yes sir.
- Q How do you know she did? A I saw her with part of the money.
- Q Did you see her get it? A Yes, I saw her get it--mighty near--mi mighty near she got it. I am satisfied she did.
- Q When did Aurelia Bruner die? A She died in 1884 I think.
- Q Was she married before you married her? A Yes sir.



3-Chaney Wallace.

A Yes sir.

Q What was her name? A Her name was Irela (evidently intended for Aurelia) Taylor and Irela Bruner at another time.

Q What was her name in 1867? A Irela Bruner at that time.

Q Was she married then? A Not that I know of.

Q That was her maiden name then? A Yes sir.

Q What was her father's name? A Tecumseh Bruner.

Q When did he die? A I think in '88 or '87.

Q Did he go by any other name? A They used to call him Somerset.

Q Who is Sam Bruner? A Sam Bruner is the brother of this woman, Irela.

Q What was her mother's name? A Her mother was named Chaney.

Q Were Sam Bruner and Aurelia Bruner full brother and sister?

A Half, on the father's side.

Q What was the name of Sam's mother? A Tina McQueen.

Q She was an Indian? A Half Indian.

Dunn roll examined and the name of Aurelia Bruner found, 1319.

Q Have you any children? A Yes, three.

-----o-----

Chaney Wallace Recalled.

Q Have you any children? A Yes, three.

Q What are their names and a age. A Washington Bruner, 8 years, Fredonia Willis, 5 years and Bennie Sango, 3 years.

Q Have you baby affidavits for these children? A No, two of them drew the payments.

Q Have you an affidavit for Benny Sango? A No sir.

Q Do you want him enrolled? A Yes sir.

Birth affidavit for Bennie Sango prepared, signed and filed.

Q How did you have that child enrolled when you got the \$14.40?

A I had it enrolled Fredonia Willis; its daddy had it enrolled.

Q Do you think you got that money in the first part of the payment or on the omitted roll? A A It was the latter part of it Ireck-on.

Q When was this child Fredonia born? A About the 30th of August, 1895.

Q Do you know Ben Nevins? A Yes, he got killed here directly after the payment.

Q Is Henry Williams any relation to Ben Nevins? A No, he wasn't any relation by he got the money for some of them.

Q Where is Henry Williams? A He is in jail somewhere I guess.

Authenticated roll of the Creek nation approved Dec. 4, 1895 examined, and the name of Fredora Williams found on page 36, Canadian Colored.

Q You had no affidavit for your baby Bennie? Sango? A No, I aint got no witness; I was by myself.

Q Didn't you have any midwife? A No, I was by myself.

Q How long were you alone? How long before you had any assistance?

A Didn't have no assistance at all; I was by myself all the time.

Q Was anyone in the house with you? A There was an old blind lady; she could not see.

Q How long before someone saw the baby? A There was another family in the house; they didn't see it until the next morning.

Q You are now married to a man named Wallace? A Yes sir.

Q Who was the father of your oldest child, Wash.

A Robin Bruner.

Q Was he a Creek? A No sir.

Q Who was the father of your daughter Fredonia Willis? A Willis Cully.

Q Is he a Creek? A Yes sir.

4-Chaney Wallace.

- Q Who is the father of Bennie Sango? A Bob Sango.  
Q Is he a Creek? A No, he is a Seminole.

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J. C. Murphy being first duly sworn, test lifted as follows:

- Q What is your name? A J. C. Murphy?  
Q How old are you? A 47 years.  
Q What is your postoffice address? A Bearden? I. T.  
Q Are you a citizen of the Creek nation? A United States.  
Q Do you know Chaney Wallace? A Yes sir.  
Q Do you know her child, Benny Sango? A Yes sir.  
Q How old is he? A He is something about 3 years old.  
Q See him very often? A Yes, see him every few days.  
Q How far do you live from her residence? A Live about 5 miles  
north-east of her.  
Q Do you know the other children of Chaney Wallace? A Yes sir.  
Q What is the name of the oldest? A Washington Bruner.  
Q How old is he? A Somewhere about 7.  
Q Do you know Fredona? A Yes sir.  
Q What is her other name? A Willis.  
Q How old is she? A Somewhere about 4 or 5; I don't know exactly.  
Q Is that all the children Chaney Wallace has? A That is all I  
know of.  
Q You know these children very well do you? A Yes sir.

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Frances R. Brown, having been first duly sworn, upon oath states that as stenographer to the Commission to the Five Civilized Tribes, she reported in full all proceedings had in the above entitled cause on the 26th day of March, 1901, and that the above and foregoing is a full, true and correct transcript of her stenographic notes of said proceedings on said date.

*Frances R. Brown*

Subscribed and sworn to before me this 28th day of March, 1901.



Acting Chairman.

DEPARTMENT OF THE INTERIOR  
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application of Chaney Wallace for the enrollment of herself and children, Washington Bruner, Fredonia Willis and Bennie Sango, as citizens of the Creek Nation.

FINDINGS.

From the evidence in this case it appears that the applicant Chaney Wallace is 28 years of age and a daughter of Aurelia Bruner whose name appears on the roll of Creek freedmen made by J. W. Dunn, under authority of the United States, prior to March 14, 1867. It further appears that the applicant is the mother of three children, now living, viz: Washington Bruner, age 8 years, Fredonia Willis, age 5 years, and Bennie Sango, age 3 years; that the names of the applicant and her two children Washington Bruner and Fredonia Willis appear on the 1895 authenticated roll of citizens of the Creek Nation and that her child Bennie Sango was born since said roll was made.

DECISION.

The Commission is therefore of the opinion that the applicant Chaney Wallace and her children, Washington Bruner, Fredonia Willis and Bennie Sango, should be listed for enrollment as citizens of the Creek Nation in accordance with the provisions of Section 21 of the Act of Congress approved June 28, 1898, (30 Stat., 495), and it is so ordered.

By the Commission to the Five Civilized Tribes.

Dated at Muskogee, Indian Territory,  
this 28th day of March, 1901.

  
Acting Chairman.

  
Commissioner.

  
Commissioner.

COMMISSIONERS:

HENRY L. DAWES,  
TAMS BIXBY,  
THOMAS B. NEEDLES,  
C. R. BRECKINRIDGE.

DEPARTMENT OF THE INTERIOR,

COMMISSION TO THE FIVE CIVILIZED TRIBES.

ALLISON L. AYLESWORTH,  
SECRETARY

ADDRESS ONLY THE  
COMMISSION TO THE FIVE CIVILIZED TRIBES

Muskogee, Indian Territory, FEB . 102, 1902.

Received on this date from the Commission to the Five  
Civilized Tribes a copy of the record of proceedings in the matter  
of the application of Chaney Wallace et al. for enrollment as  
citizens of the Creek Nation.

A. P. M. Keefer

Attorney for Creek Nation.

Creek No. 41.

(COPY)

Muskogee, Indian Territory, January 18, 1902.

The Honorable,

The Secretary of the Interior.

Sir:

There is herewith transmitted the record of proceedings in the matter of the application of Shady Village for the enrollment of herself and children, Washington Bruner, Fredonia Willis and Bessie Sango, as citizens of the Creek Nation, including the decision of the Commission, dated March 28, 1901, enrolling said applicants as citizens of said nation.

Respectfully,

T. B. Needles.

Commissioner in charge.

1 enclosure  
Creek 41.

Through the Commissioner  
of Indian Affairs.

(COPY)

Mustoge, Indian Territory, January 13, 1902.

The Honorable,

The Secretary of the Interior.

Sir:

There is herewith transmitted the record of proceedings in the matter of the application of Charles Wallace for the enrollment of herself and children, Washington Bruner, Fredonia Willis and Bernice Sango, as citizens of the Creek Nation, including the decision of the Commission, dated March 20, 1901, enrolling said applicants as citizens of said nation.

Respectfully,

T. B. Needles.

Commissioner in charge.

1 enclosure  
Creek 41.

Through the Commissioner  
of Indian Affairs.



(copy)

McKees, Indian Territory, January 15, 1902.

Shaney Wallace,

Bearden, Indian Territory.

Dear Madam:

There is herewith enclosed a copy of the decision of the Commission to the Five Civilized Tribes in the matter of the application made by you for the enrollment of yourself and children, Washington Bruner, Fredonia Willie and Bessie Sange, as citizens of the Creek Nation.

The decision, with a copy of the proceedings had in the case, is this day transmitted to the Secretary of the Interior for his review and decision. The final decision of the Secretary will be made known to you as soon as the Commission is informed of the same.

Yours truly,

T. B. Needles.

Commissioner in charge.

1 enclosure G.W. 116.  
Registered.

(COPY)

Muskogee, Indian Territory, January 10, 1908.

A. E. McKellop, Esq.,

H. G. Reed, Esq.,

Attorneys for Creek Nation,

Muskogee, Indian Territory.

Gentlemen:

There is herewith enclosed a copy of the decision of the Commission to the Five Civilized Tribes in the matter of the application for the enrollment of Chaney Wallace and her children, Washington Bruner, Fredonia Willis and Bennie Sango, as citizens of the Creek Nation.

The decision, with a copy of the proceedings had in the case, is this day transmitted to the Secretary of the Interior for his review and decision. The final decision of the Secretary will be made known to you as soon as the Commission is informed of the same.

Yours truly,

T. B. Needles.

Commissioner in charge.

1 enclosure MOKAR-116 1/2  
Registered.

(COPY)

Refer in reply to the following:

Land  
4003

Department of the Interior,  
Office of Indian Affairs.  
Washington, Jan. 27, 1902.

The Honorable,

The Secretary of the Interior.

Sir:

I have the honor to transmit herewith report made on January 15, 1902, by the Commission to the five civilized tribes forwarding the record of proceedings in the matter of the application of Chaney Wallace for the enrollment of herself and her children, Washington Bruner, Fredonia Willis and Bennie Sango, as citizens of the Creek Nation. The commission found that Chaney Wallace, who is 28 years of age, is a daughter of Aurelia Bruner whose name appears upon the Dunn roll of Creek freedmen, and that the names of Chaney Wallace, Washington Bruner and Fredonia Willis appear on the 1895 authenticated Creek roll and that Bennie Sango was born after that roll was made. The commission is therefore of the opinion that the parties named should be enrolled as Creek citizens. The office agrees with the opinion and respectfully recommends that the commission be directed to enroll the applicants as Creek citizens.

Very respectfully,  
Your obedient servant,

Commissioner.

W.C.V.  
(S.)

(COPY)

D.C.No.1662-1902.

6729.

L. R. S.

F.

Department of the Interior.

Washington.

I.T.D. 591-1902.

January 29, 1902.

Commission to the Five Civilized Tribes,

Muskogee, I. T.

Gentlemen:

January 27, 1902, the Commissioner of Indian Affairs transmitted the papers in the matter of the application for enrollment of Chaney Wallace and her minor children, Washington Bruner, Fredonia Willis and Bennie Sango as citizens of the Creek Nation, and stated that the Indian Office concurs in your opinion that the applicants should be enrolled.

It appears from your decision of March 28, 1901, that the names of Chaney Wallace, Washington Bruner and Fredonia Willis appear upon the 1895 authenticated Creek roll, and that Bennie Sango was born after that roll was made.

The Department affirms your decision, and you will act accordingly. Copy of the Commissioner's letter is inclosed herewith.

Respectfully,

Thos. Ryan  
Acting Secretary.  
EMD.

1 inclosure.

(COPY)

D.C.No.1662-1902.

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COMMISSIONERS  
HENRY L. DAWES.  
TAMM SIXBY.  
THOMAS B. NEEDLES.  
C. R. BRECKINRIDGE.

ALLIBON L. AYLESWORTH.  
SECRETARY

DEPARTMENT OF THE INTERIOR.  
COMMISSION TO THE FIVE CIVILIZED TRIBES.

ADDRESS ONLY THE  
COMMISSION TO THE FIVE CIVILIZED TRIBES

( COPY )

Muskogee, Indian Territory, February 6, 1902.

Ohaney Wallace,

Bearden, Indian Territory.

Dear Madam:

You are hereby advised that the Secretary of the Interior, under date of January 28, 1902, affirmed the decision of the Commission, dated March 28, 1901, enrolling yourself and children, Washington Bruner, Fredonia Willis and Bennie Sango, as citizens of the Creek Nation.

Yours truly,

C. R. Breckinridge

~~Commissioner in Charge.~~



COMMISSIONERS  
HENRY L. DAWES.  
TAMM BIXBY.  
THOMAS B. NEEDLES.  
C. R. BRECKINRIDGE.

ALLISON L. AYLESWORTH.  
SECRETARY

DEPARTMENT OF THE INTERIOR.  
COMMISSION TO THE FIVE CIVILIZED TRIBES.

(COPY)

ADDRESS ONLY THE  
COMMISSION TO THE FIVE CIVILIZED TRIBES

Muskogee, Indian Territory, February 6, 1902.

A. P. McKellop, Esq.,

H. C. Reed, Esq.,

Attorneys for Creek Nation,  
Muskogee, Indian Territory.

Gentlemen:

You are hereby advised that the Secretary of the Interior, under date of January 29, 1902, affirmed the decision of the Commission, dated March 28, 1901, enrolling Chaney Wallace and her children, Washington Bruner, Fredonia Willis and Bennie Bango, as citizens of the Creek Nation.

Yours truly,

C. R. Breckinridge

Commissioner in charge.

CR EN 42

CR EN 42

DEPARTMENT OF THE INTERIOR,  
COMMISSION TO THE FIVE CIVILIZED TRIBES,  
MUSKOGEE LAND OFFICE, Dec. 7, 1899.

In the Matter of the Application of:  
Alice Wilson for enrollment as a :  
citizen of the Creek Nation. :

Mr. Gravens representing Miss Alice Wilson.

By Mr. Bixby:

Q What is your name? A Alice Wilson.

Q Where do you live? A I live in Muskogee.

Q How long have you lived here? A I have lived here four or five years.

Q How old are you? A Between 32 and 33.

Q Where have you lived before that? A I lived down below Ft. Smith, at a place called Alma

In Arkansaw? A Yes sir.

Q Were you born in Arkansas? A No, I was born in Kansas.

Q Are you on the Creek rolls? A Yes sir.

Q What town do you belong to? A Arkansaw.

Q Did you draw the \$29? A No sir.

Q Did you draw the \$14.40? A Yes sir.

Q What is your mother's name? A Sophie Mahardy

Q Was she a Creek citizen? A I don't think she was.

Q Who was your father? A He was a Creek.

Q What was his name? A Ben Mahardy.

Q Is he living? A No sir.

Q When did he die? A He got killed.

Q When was it? A I think between '66 and '67

Q Was it during the war? A Yes sir.

Q Was he a slave? A I don't know.

Q Was your mother a slave? A I can't tell you that; they died when I was nothing but a little child.

Q How did you get on the Creek roll in '95? A I proved my right and was adopted by the council.

Q Did you apply to the citizenship ~~committee~~ of 18? A Yes, in 1895, I think it was. committee

Q You think it was the Committee or the Colbert Commission?

A I think it was the Colbert Commission.

Q You have been living here about 5 years? A Not all the time I have been here the biggest part of the time

Q How much of the time have you been here the last 5 years?

A I generally stay from 7 to 8 months, and generally 2 or 3 months at Alma, and the other part here.

Q How much have you been here the last 2 or 3 years?

A I staid five months last year.

Q Are you working here? A Yes sir.

Q Your husband is a citizen of Arkansaw? A Yes sir.

Q Have you children? A Yes sir.

Q Where were they born? A At Alma.

Q Were they born in Arkansas? A Yes sir.

Q How many children have you got? A Three.

Q Where are your children now? A At Alma.

Q They have always lived there? A No, I had them up here last year and the year before that and the year before that; I left them there this time.

Q Your husband has never lived here, has he? A No sir.

Q You never applied to the Creek authorities before you applied to the Colbert Commission to be enrolled? A No sir.

By Mr. Gravens.

Q Where have you always considered your home to be? A I have always considered this to be my home.

- Q Have you any land or lots here? A Yes, I have two lots and a house.
- Q Where? A I have got a house and lot out north of Kendall.
- Q How long have you had the lots? A I have had one of them since 1898, and I had the other about three years ago. I fenced it in '95. I did not build it then.
- Q Have you a farm? A No sir.
- By Mr. Bixby:
- Q Where were you married? A At Alma.
- By Mr. Cravens:
- Q You have been spending, if I understand you right, a part of each year here? A Yes, the most part of it.
- Q Only a small part of it in Arkansas, where your husband lives?
- A Yes sir.
- Q How long did you live in Kansas after you were born? A I think I was six years old when I came from there to Ft. Smith. I lived with another aunt and she came up here, and I didn't want to live here, and went back to Arkansas.

Babe Mahardy being first duly sworn, by Acting Chairman Bixby, testified as follows:

By Mr. Cravens:

- Q Your name is Babe Mahardy? A That's what I go by; it's not my exact name, but they all call me by that name.
- Q Do you know Alice Wilson, here now? A Yes sir.
- Q Whose child is she? A My brother, Ben Colbert.
- Q Ben Colbert or Ben Mahardy? A His name was Mahardy Colbert.
- Q Was he a slave of a Creek citizen? A No, he was free.
- Q Was you a citizen of the Creek Nation before the war? A Yes.
- Q And you and Ben, her father, were not slaves, but you were Creek citizens before the war? A Yes, not slaves.
- Q Were you Creeks by blood? A Bound to be.

Alfred Wilson

By Mr. Stacy

It appears that this woman was born in Kansas, and lived there until she was six years old, and then moved to Ft. Smith, Arkansas; she was married in Arkansas; her children were born in Arkansas; her husband is a citizen of Arkansas, and she has lived there part of the time during the last four or five years. She was not here during the treaty of 1866, and did not return within the time specified by the treaty. She does not appear on any of the authenticated rolls. She was never admitted by a citizenship committee, or by the council of the Creek Nation. She does not appear from the records, as we have them, to have been admitted by the Military Commission, and in my judgment she is not a resident of the Creek Nation, as she did not return and take up a bona fide residence here prior to June 28, 1896.

Upon the request of the attorney representing applicant this case was held open for a reasonable length of time that additional testimony might be offered.

Frances R. Brown having been first duly sworn upon oath, states that as stenographer to the Commission to the Five Civilized Tribes she reported in full all proceedings had in the above entitled case on the 7th day of December, 1899, and that the above and foregoing is a full, true and correct transcript of her stenographic notes of said proceedings on said date.

*Frances R. Brown*

Subscribed and sworn to before me this 29th day of May, 1901.

  
Acting Chairman.

DEPARTMENT OF THE INTERIOR,  
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application of Alice Wilson for enrollment as a citizen of the Creek Nation.

D E C I S I O N .

X  
It appears from the record in this case that on December 7th, 1899, Alice Wilson appeared before this Commission at Muskogee, Indian Territory, and made application for enrollment as a citizen of the Creek Nation.

It also appears that the said Alice Wilson was born in the state of Kansas, and when about six years old removed to the state of Arkansas, where she has resided almost continuously ever since.

It further appears that the applicant, Alice Wilson, has never been recognized as a citizen of the Creek Nation by the tribal authorities thereof, and that she was not admitted to citizenship in said nation by the Commission to the Five Civilized Tribes, or by the legally constituted authorities of the Creek Nation, or by the United States Court in Indian Territory, on appeal, in accordance with the act of Congress approved June 10, 1896, (29 Stats., 321.)

It is therefore the opinion of the Commission that the application of said Alice Wilson for enrollment as a citizen of the Creek Nation should be denied, and it is so ordered.

Commission to the Five Civilized Tribes.

  
Acting Chairman.

Dated at Okmulgee, Indian Territory,  
this 17th day of May, 1901.

Commissioner.

  
Commissioner.



DEPARTMENT OF THE INTERIOR,  
COMMISSION TO THE FIVE CIVILIZED TRIBES.  
MUSKOGEE, I.T. APRIL 14, 1904.

En. 42.

In the matter of the application for the enrollment of Alice Wilson as a Creek freedman.

APPEARANCE: Thomas W. Owen, attorney for applicant.

(It appears from the records of the Commission that Alice Wilson made an application for enrollment as a Creek freedman December 7, 1899; that the application was denied by the Commission May 11, 1901 and the decision of the Commission affirmed by the Secretary of the Interior February 25, 1902.

It further appears that upon motion of the applicant, the case was re-opened by the Department April 4, 1904.)

Alice Wilson being duly sworn, testified as follows:

Examination by the Commission:

- Q What is your name? A Alice Wilson.  
Q How old are you? A I guess I am about 23.  
Q What is your post office address? A Muskogee.  
Q Are you married? A Yes sir.  
Q What was your name before you married? A Alice Wahardy.  
Q You are the same person who made application heretofore for enrollment are you? A Yes sir.  
Q Have you any children? A Yes sir.  
Q Do you desire to have your children included in this application? A Yes sir.  
Q What is the name of the oldest? A Nodie Wilson.  
Q How old is she? A About 14 years old.  
Q What is the name of the next? A Ferdinand.  
Q How old is he? A I guess about 11 I think.  
Q What is the name of the next? A Ellis.  
Q How old is he? A Nine.  
Q Any others? A Yes sir, one named Lafayette; he is about 7; will be 8 the 23rd of next February.  
Q Is that all? A Yes sir.  
Q Are these children all living? A Yes sir.  
Q Is your husband living? A Yes sir.  
Q What is his name? A He signs his name "H.C."; his name is Hezekiah.  
Q Where is he? A In Arkansas.  
Q Has he ever lived here? A No sir.  
Q How long have you lived here? A I have been here off and on ever since I was a baby.  
Q I want to know how long has this been your residence? A About nine years.  
Q Have you and your husband separated? A No sir.  
Q And his residence is in Arkansas and yours is here? A Yes sir.  
Q Do you own any property in the Creek Nation? A Yes sir.  
Q What does it consist of? A A two-room house and I have a place out here the west end of town; two lots and a two-room house.

- Q Did you ever draw any money from the Creek Nation? A Yes sir.  
Q When was that? A The \$14.40 pay ment.  
Q Did you draw any money for your children that were then living?  
A Yes sir.  
Q You drew for them also? A Yes sir.  
Q How many children did you draw for? A Four. All 4 of these children.  
Q Where did you live when you drew this money? A I was staying up here at that time with my aunt.  
Q Did you have your children with you? A Yes, my children was all here with me.  
Q Who is it that you were living with at that time? A I was staying with my aunt and Liza Bailey.  
Q Where were your children born? A Borned in Arkansas.  
Q Your father was Ben Mahardy, was he? A Yes sir.  
Q And your mother Sofy? A Yes sir.  
Q Was your father a citizen of the Creek Nation? A Yes sir.  
Q Was your mother? A No sir, I don't think she was.  
Q Did your father ever go, by any other name? A Not as I know of.

The 1890 authenticated tribal roll of the Creek Nation examined and the names of none of the applicants identified thereon; the 1895 payroll of said nation examined and the names of none of the applicants identified thereon.

- Q What was the name of your aunt that you stayed with? A Patsy McIntosh.  
Q Did Eliza Bailey have some children? A Yes sir, she had twin children.  
Q What were their names? A Edna and Edgar.  
Q Are they living? A One of them is; the girl, Edna.  
Q Were these children born at the time you received that money?  
A Yes sir; wewas out there at that time.  
Q Were these two children born? A Yes sir.  
Q You say one of them is dead? A Yes sir.  
Q When did that child die? A I don't know; I was away at the time.  
Q It was after the payment, was it? A Yes sir; it was a year or two old when it died.  
Q Were these two children babies at the time of that payment? A Yes sir; babies.  
Q Was that money paid to you by the officers? Or did someone draw it for you? A My cousin drew it for me  
Q Who was that? A Tacky Grayson.  
Q Were you ever known by the name of Alice Bailey? A No sir, I didn't go by that name.

Examination by Mr. Owen:

- Q What relation is Eliza Bailey to you? A My first cousin.  
Q What is her mother's name? A Patsy McIntosh.  
Q What relation is Patsy to you? A My aunt.  
Q Is she your father's sister? A Yes sir.  
Q What committee was it that admitted you at Okmulgee, do you know? that enrolled you? A No sir, I don't remember.  
Q Who did you appear before to be enrolled? A I don't know the man's name.  
Q Do you know any of the committee or anybody that had anything to do with it? A No sir, I don't know any of the men.

- Q Who was you out there with? A Aunt patsy.  
Q Is Patsy McIntosh, your aunt, still living? A Yes sir.  
Q Do you know whether Liza Bailey's family was enrolled at the same time you were? A We give in the names to the clerk, Wiley McIntosh and we took his word for it.  
Q Was the children of Eliza Bailey given in at the same time yours were? A Yes sir.  
Q Were you recognized as a citizen of the Creek Nation before that time? A Yes sir, I never had any trouble until I come before the Dawes Commission.  
Q Did you ever draw any other payment except that \$14 payment?  
A No sir.

Excused and Wiley M. McIntosh called and sworn, testified as follows:

Examination by the Commission:

- Q What is your name? A Wiley M. McIntosh.  
Q How old are you? A Forty-seven now.  
Q What is your post office address? A Muskogee.  
Q Are you a citizen of the Creek Nation? A I am.  
Q To what town do you belong? A Arkansas colored.  
Q Have you ever held any official positions in that town? A Yes sir I was representative of the National council and also clerk of Arkansas colored town.  
Q What are the duties of the clerk of that town? A To enroll all that are presumed to be citizens of that nation and to keep a record of the town.  
Q Are you the clerk of that town now? A No, I am not now I was at that time; in 1890 and 1895, during the \$29 payment and the 14.40 payment.  
Q Do you know Alice Wilson? A Yes sir.  
Q How long have you known her? A About ten years or more I guess.  
Q Do you know Eliza Bailey? A Yes sir.  
Q How long have you known her? A Since she was a child.  
Q Did she have some twin children in 1895? A Yes sir.  
Q Were they young children? A Yes sir, babies.  
Q What are their names? A One is Edna and the other was Ethel or something like that.  
Q One of these children is dead, is it? A Yes sir.  
Q Do you know about when that child died? A No sir.  
Q It died after that payment; didn't it? A I think so; they were living at that time.  
Q Did the child die before 1898? A I don't know that; I can't say.  
→ Q Do you know anything about whether any money was drawn for Alice Wilson at the payment of 1895 or not? A No sir, I don't know that.  
Q Do you know whether her name was placed on the town roll or not?  
A Her name was placed on the town roll.  
Q That was the town roll in your possession? A Yes sir.  
Q Did you place her name on the town roll? A Yes sir.  
Q By what authority? A By authority of the council and the members of the council.  
Q When you placed the name of a person on your town roll was that name carried to the roll that was kept by the principal chief? A Yes sir, that roll that we have corresponds to the roll the principal chief has; he has a copy of the same; corresponds to the same thing.

Q If the town king told you to put a name on the roll you put it on, is that the idea? Is that the understanding? A Yes sir; these names were placed upon the Arkansas colored town by the town king and myself and afterwards passed on by the council.

Q Was it afterwards passed on? A During the payment you know.

Q Well, this is the \$14 payment. A The \$14 payment is the same thing.

Q You put the name on the roll, as I understand you, and then afterwards before there was a payment made it was passed upon by the council? A Yes sir, the council had to revise the roll before the payment; if there was anybody there that was not a citizen they set them aside; there was a committee set aside to investigate the roll.

Q Has Abide Wilson any brothers and sisters? A Not as I know of.

Examination by Mr. Owen:

Q You say you enrolled Alice Wilson for the 1895 payment? A Yes sir.

Q By what name did you enroll her? A Alice Bailey.

Q How did you happen to enroll her as Alice Bailey? A Cause she was living with Baileys at that time and the name was reported to me that-a-way.

Q Did you know Eliza Bailey? A Yes sir.

Q What was Eliza Bailey's mother's name? A Patsy McIntosh.

Q How long have you known her? A For 25 years or more; I was mostly raised with her.

Q Did you enroll anyone else by the name of Bailey at the same time?

A I enrolled Eliza Bailey and these two twins at the same time.

Q Was that roll afterwards passed upon by the council before the payment was made? A Yes sir.

Q At the time you made that roll how long had you known Patsy McIntosh and Eliza Bailey and that family? A 20 years or more.

Q Did you know that this woman, Alice Wilson, was related to them?

A Yes sir, that's my understanding all the time.

Q Did you know her father? Alice Wilson's? A No sir.

Q Do you know that the woman that you enrolled as Alice Bailey is the woman that is present now as Alice Wilson? A Yes sir, she's the woman.

Q Have you known her continuously since that time? A Yes sir, the same woman.

Examination by the Commission:

Q Did you enroll her children at the same time? A No sir, I just enrolled her at the time; we had a ruling there in the council if she was alright they was alright; if we enrolled anybody and proved that they were citizens. Q. You understand she says she drew money for her children. If that was the case her children would be on the roll? A Her children was enrolled; all her boys was enrolled and Patsy McIntosh was on the roll put there by William McIntosh; William McIntosh was enrolling and Patsy McIntosh was head of the family, and they were put on that roll.

Examination by Mr. Owen:

Q As I understand you when they enrolled the parent they put the children on too? A Yes sir.

Q The admission of the parent admitted the children? A Yes sir.

By the Commission:

Q Eliza Bailey is the wife of John Bailey, a Choctaw, is she? A Yes.

Excused and Martha Jones called and sworn, testified as follows:

By the Commission:

Q What is your name? A Martha Jones.

Q How old are you? A Thirty.

Q What is your post office address? A Muskogee.

Examination by Mr. Owen:

Q Do you know Alice Wilson? A Yes sir.

Q What relation are you to her? A First cousin.

Q What is your mother's name? A Patsy McIntosh.

Q Are you a citizen of the Creek Nation? A Yes sir.

Q Was your mother a citizen? A Yes sir.

Q What relation is Alice Wilson to your mother? A Her niece.

Q How does she get her relationship? A It is mama's daughter's child.

Q Her father is your mother's brother? A That's right.

Q What is his name? A Ben Mahardy.

Q Did he go by any other name? A I don't know of any.

Q Did your mother ever go by the name of Colbert? A Yes sir, that's the way she was enrolled; her father was named Mahardy Colbert and her mother was named Jane and they called her Jane Mahardy instead of Colbert; that's the way the name is on the Dunn Roll.

Q Do you know whether Alice Wilson drew money in the 1895 payment, or not? A I don't know; Tacky Grayson said he drew it.

Q Who was she living with at that time? A With mama and her sister Eliza Davis at that time.

Q Here in the Creek Nation? A Yes sir.

Q Do you know anything about Eliza Bailey's children at that time?

A Yes sir; Edna and Edgar.

Q Do you know when the children died? A I don't know; only after the payment.

By the Commission:

(The Dunn roll is examined and the father of the principal applicant is not identified thereon by either of the names, Ben Mahardy or Ben Colbert; the 1895 omitted roll of the Creek Nation examined and the names of Edger Bailey and Alice Bailey found thereon in the family of Eliza Bailey, no other names appearing upon said roll in that family, nor are any of the applicants herein identified on said roll elsewhere.)

The 1895 Doubtful Roll of the Creek Nation examined and the names of none of the applicants herein found thereon.)

#####

Henry G. Hains being sworn on his oath states that as stenographer to the Commission to the Five Civilized Tribes he reported the above case April 14, 1904, and that this is a full, true and correct transcript of his stenographic notes in same.

*Henry G. Hains*

Subscribed and sworn to before me this 14th day of April, 1904.

*Charles H. Haines*

Notary Public.



DEPARTMENT OF THE INTERIOR,  
COMMISSION TO THE FIVE CIVILIZED TRIBES.  
MUSKOGEE, I.T. MAY 17, 1904.

In the matter of the application for the enrollment of Alice Wilson, et al., as Creek freedmen.

APPEARANCES: Bailey & Owen, attorneys for applicants.

Eliza Bailey being duly sworn testified as follows:

Examination by the Commission:

- Q What is your name? A Eliza Bailey.
- Q How old are you? A Thirty-eight.
- Q What is your post office address? A Muskogee.
- Q Do you know Alice Wilson? A Yes sir.
- Q Is she related to you? A Yes sir.
- Q What kin is she to you? A Cousin.
- Q What is the name of your mother? A Patsey McIntosh.

Examination by Mr. Owen:

- Q What is the name of Alice Wilson's father? A Ben Mahardy.
- Q Did he go by any other name? A Sometimes, Ben Colbert.
- Q What relation was he to Patsey McIntosh? A Brother.
- Q Is he living now? A No sir, dead.
- Q Are you a Creek freedman? A Yes sir.
- Q Did you draw any payment? The \$14? A Yes sir.
- Q The payment of 1895? A Yes sir.
- Q What were the names of your children at that time? A Edna and Edward.
- Q Are they both living now? A No sir.
- Q Which one is living? A Edna, the girl.
- Q Did you go to Okmulgee to be enrolled before that payment? A No sir, my mother enrolled me.
- Q Where were you at that time? A Home, sick.
- Q Were both of these children living at that time? A Yes sir.
- Q Did you draw money for the children in that payment? A For one.
- Q Did you draw for yourself? A Yes sir.
- Q Why didn't you draw for the other? A I don't know; they never got the money for but one.
- Q Did you send the name of both of your children to be enrolled? A Yes sir.
- Q Who drew the money for you? Who brought it to you? A My mother brought me the letter and the check was in the letter; I don't know who got the money.
- Q Do you remember which one of the children you drew for? A For Edna.
- Q Was there any reason given why you didn't get it for both of them? A No sir, I never knew why I didn't get it for both of them.

- Q How long have you known Alice Wilson? A About 15 years.  
Q Where was she living at the time of that 1895 payment? A She was with me.  
Q Do you know whether she got any money from that payment? A Yes sir.  
Q Who gave it to her? A Her check came in with mine in that letter.  
Q To what name? A Alice Bailey.  
Q Who gave her that check? A I can't say who gave it; it came with my letter; I gave her the check myself.  
Q You know that she got the check, do you? A Yes sir.  
Q Do you remember when your little boy died? A No sir.  
Q Were these children twins? A Yes sir.

Examination by the Commission:

- Q How many children did you have at that time? A Just the two.  
Q How much money did you get? A Just three of us.  
Q How much? A \$14 a piece.  
Q For how many? A Three of us.  
Q What three are you speaking of? A Myself, and the one child's, and the money I gave to her.  
Q Was her name Alice Bailey at that time? A Being as she was with me they sometimes called her Alice Bailey; but it come as Alice McIntosh.  
Q Did it all come in one check? A No sir, I think it was three checks

By Mr. Owen:

- Q Her name never was Bailey? A No sir.

By the Commission:

- Q How old was that child when it died? A I don't know.  
Q About? A About a year or two I guess.  
Q Did you draw money for yourself at the same time you drew for your child? A I think I did; yes sir.  
Q Are you sure of that? A I think both of the checks came at the same time.  
Q For yourself and your child and Alice Bailey? A Yes sir; the check was sent to me; I didn't go; I was sick.  
Q Where did you get that check cashed? A I don't know where Mr. Bailey cashed the check; he took it out somewhere; I don't know where they traded; we just traded there.

By Mr. Owen:

- Q Mr. Bailey, your husband, you mean? A Yes sir; he traded it out.  
Q Is your daughter, Edna Bailey living now? A Yes sir she's living.  
Q Has she taken her allotment? A Yes sir.  
Q She's on the rolls? A Yes sir.

-----  
Henry G. Hains being sworn on his oath states that as stenographer to the Commission to the Five Civilized Tribes he reported the above

case May 17, 1904, and that this is a full, true and correct transcript of his stenographic notes in same.

*Henry G. Haines*

Subscribed and sworn to before me this 18th day of May, 1904.

*Charles H. Sawyer*

Notary Public.

DEPARTMENT OF THE INTERIOR,  
COMMISSION TO THE FIVE CIVILIZED TRIBES.  
MUSKOGEE? I.T. May 24, 1904.

Ex. 42.

In the matter of the application for the enrollment of Alice Wilson, et al., as Creek Freedmen.

APPEARANCE: Bailey & Owen, attorneys for applicant:

Alice Wilson, applicant.

Tackey Grayson being duly sworn, testified as follows:

Examination by the Commission:

- Q What is your name? A Tackey Grayson.  
Q What is your age? A Sixty seven.  
Q What is your post office address? A Redbird.  
Q Do you know Alice Wilson? A Yes sir.  
Q How long have you known her? A I don't know; I never kept notice of it; I have been knowing her now for 28 or 29 years I reckon.  
Q Are you a citizen of the Creek Nation? A Yes sir.  
Q A member of North Fork town? A Yes sir.  
Q You participated in the Creek payment of 1895? A Yes sir.  
Q You drew money then- you and your family? A Yes sir.  
Q Did you get any money for anybody else except your own family at that time? A I got the money that the old man Sugar George drew and gave to me.  
Q Who was that for? A Those two children I put down for Alice Wilson.  
Q What names did you tell him to put down? A Well, Ben Nevins was doing the writing and I told him I forgot the names and he said just put in a name and when you find out the name you can tell him and when they fix the rolls you can give him the right name to the best of your knowledge; I put down Alice and Albert Alexander to the best of my knowledge.  
Q Is Alice Wilson any kin to you? A Yes sir, about 3rd cousin.  
Q Did she ask you to see about getting that money for her children? A Yes sir.  
Q Tell what took place--? A Well, I seen her in town here and she asked me when they was going to have the payment and I told her maybe pretty soon, and she said I want you to draw my money and I said all right and she gave me her name and I said, I told her they was going to Okmulgee to fix the roll- they said they didn't fix it- and she give me the names and I misplaced it, and when I went to Okmulgee I called to see about it and I couldn't remember the names and Col. George says they was accustomed to that and when we heard of any member of our town maybe he has got one or two children and he said they would just name them any names or just call them "Baby".  
Q They wouldn't know the names and they would just give them names- any names? A Yes sir.  
Q What is the reason you didn't have the name of Agnes, the mother of the children, put there? A I asked on the Arkansas roll and they said she was with Patsy McIntosh and she didn't have no children with her and I just enrolled the children in the North Fork town; she was with Patsy McIntosh herself.  
Q You mean she was living with Patsy? A Yes sir at that time and lives with her till yet.  
Q Was your wife named Sallie? A Yes sir.  
Q Your children, Jimmy, Bobby, Peter, Jennie and Julia? A Yes sir.

Tackey Grayson and the members of his family above named are identified on the 1895 pay roll of the Creek Nation, North Fork town, Nos. 275 to 281 inclusive. No other names appear in that family, on that roll.

Tackey Grayson and his family as above named appear on the 1895 authenticated tribal roll of the Creek Nation, North Fork town, Nos. 274 to 280, inclusive. Immediately following his family and apparently intended to be placed in the same family, the name Alice, New-born, and Albert Anderson, New-born, appear, written in pencil.

By Mr. Owen:

Q What do you say now? Is it possible you put them down as Anderson?

A Yes sir.

Q You think there might have been a mistake and they got Anderson instead of Alexander? A Yes sir.

Q Tackey, at the time Sugar George gave you the money for Alice and Albert, that you afterwards gave to Alice Wilson for her children did he give you any money for anyone else? A Yes I believe he did; I think it was Angeline; it is there- either Angeline Ross or Angeline Anderson. I got her name and money too.

Q Was she a freedman? A Yes sir.

Q Where is she living now? A Vagoner.

Q Her name is either Angeline Ross or Angeline Anderson? A Yes sir.

Q Did you hold any position in the Creek Nation at that time?

A Yes sir.

Q What? A I was Warrior.

Q Did you ever in your town have any children by the name of Alice Anderson and Albert Anderson? A No sir.

By the Commission:

Q Did you have anyone living in your family at that time by the name of Anderson? A No sir, none at all; I told them to put it down Alexander but when Jim drew my money he didn't know who the other family was and Sugar George says I know them and he just took the money and when I got back there to Okmulgee I just took the money and then give it to them when I got back home.

-----  
Henry G. Hains being sworn on his oath states that as stenographer to the Commission to the Five Civilized Tribes he reported the above case May 24, 1904, and that this is a full, true and correct transcript of his stenographic notes in same.

*Henry G. Hains*

Subscribed and sworn to before me this 24th day of May, 1904.

*Charles H. Sawyer*

Notary Public.



DEPARTMENT OF THE INTERIOR,  
COMMISSION TO THE FIVE CIVILIZED TRIBES.  
MUSKOGEE, I.T. JULY 8, 1904.

*Supplemental*

In the matter of the application for the enrollment of Alice Wilson, et al.,  
as citizens of the Creek Nation.

APPEARANCES: Thomas Owan, attorney for applicants.  
M.L. Mott, attorney for Creek Nation.

Robert Grayson being duly sworn testified as follows:

- Q What is your name? A Robert Grayson
- Q How old are you? A They claim I am about 67.
- Q What is your post office address? A Beggs.
- Q Are you the town King of North Fork Town? A Yes sir at this time.
- Q How long have you been town king? A Going on- this making my second term.
- Q Were you town king at the time of the \$14. payment? A No sir.
- Q Were you a member of the house of Warriors then? A Yes sir.
- Q How long have you been a member of the Creek Council? A I guess its been 12 years.
- Q Do you know Alice Wilson? A I never got acquainted with them; I never saw him before.
- Q You never saw her before today? A I saw him the other day and they got up there and told me they wanted me to come down.
- Q Do you know anything of a payment having been made to her or her children in 1895; that was the \$14.40 payment? A I didn't know it was this woman, because I didn't know her but they called that name.
- Q What name? A Alice; that's the way I understood it but I can't recollect his surname. I don't know; I can't give his children name but she wasn't there and Sugar George and Tacky Grayson between them two got the money and so I didn't know the woman and don't know where they was going to sign it or carry it, but they got the money but whether they give it to her I don't know cause I don't know the woman; wasn't acquainted; but it was on the roll had to be, cause they had to sign the name they was getting it for.
- Q Do you know what name appeared on the roll for this woman and her two children? A No sir, cause I aint got the roll.
- Q What leads you to believe that this is the woman? A I don't know; I just go by the name; the instruction Sugar George, town king, at that time give me- he sent me a letter telling me that all the citizens I was acquainted with; they was going to make a new roll and I must bring the names and he showed it to all the town officers to get the name of and bring them. They are making a new one and after a while they was going to make a new roll and draw money. I got my son, Thomas, to write them down. Tackey Grayson said: "I had some names and got drunk and lost it"- and I told him: "You always get drunk; and I don't know what they put you in office for". Sugar George said: "If you don't know the surname, just give the name and they will fix it after a while". That's all I know about it; but the roll will show whether they had refixed it or not.



Examination by Mr. Owen

Q You said a while ago that they spoke of this woman as Alice; how do you know that this is the woman? A I don't know.

Q Was there anything said about her name? Her father's or mother's name? They didn't said anything about it.

Q You know that Tracker had some money but had lost them and some names to recall? A That's what he said.

Q You don't know you were waiting up the toll for the \$14.40 payment?

Q No sir; I don't know whether he took it or not; that's what he said to George in the presence of the others sitting around.

Q You don't know whether this woman was enrolled or not? A No sir; this woman's name was given.

Q Haven't you know whether this was the Alice or not? A No sir.

Q There was nothing said about the father or mother? A No sir.

Q Do you know this woman's father or mother? A No sir; the mother had three boys as I know of, Baber, Kakeby, and Ben and Will; I wasn't acquainted with this Ben cause he died up in Kansas.

Q Did you understand that this is Ben's daughter? This Alice here?

Q That's what they said but I don't know.

(To attorney for applicants) Q Have you any further evidence to offer in this case, Mr. Owen? A No sir.

(To Attorney for Creek Nation) Q A Mr. Mott? A No further evidence to offer.

-----

Henry G. Hains being sworn on his oath states that as stenographer to the Commission to the Five Civilized Tribes he reported the above case and that this is a full, true and correct transcript of his stenographic notes in same.

Henry G. Hains

Subscribed and sworn to before me this 18th day of July, 1904.

Charles H. Sawyer

Notary Public.

DEPARTMENT OF THE INTERIOR,  
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of Alice Wilson, Nodie Wilson, Ferdinand Wilson, Ellis Wilson and Lafayette Wilson as a Creek Freedman.

DECISION :-

It appears from the records of the Commission that on December 7, 1899, Alice Wilson appeared before the Commission at Muskogee, Indian Territory, and made application for enrollment as a Creek Freedman; that the application was denied by the Commission May 11, 1901, and the decision of the Commission was affirmed by the Secretary of the Interior February 25, 1902. It further appears that upon motion of the applicant, the case was reopened by the Department April 4, 1904.

Further proceedings were had before the Commission at Muskogee, Indian Territory, April 14, 1904, and the name of the applicants, four minor children, Nodie Wilson, Ferdinand Wilson, Ellis Wilson and Lafayette Wilson were included in the application.

Further proceedings were had on May 17, May 24, and July 8, 1904.

The evidence shows that said Alice Wilson is identified on the 1895 Omitted Roll of the Creek Nation and that said Nodie Wilson and Ferdinand Wilson are identified on the 1895 Authenticated Roll of the Creek Nation.

It further appears that said applicants, Nodie Wilson, Ferdinand Wilson, Ellis Wilson, and Lafayette Wilson are the minor children of said Alice Wilson, and that all of the applicants herein were born prior to April 1, 1899 and were living at the date of the application herein.

It is, therefore, the opinion of the Commission that the said Alice Wilson, Nodie Wilson, Ferdinand Wilson, Ellis Wilson and Lafayette Wilson, should be enrolled as Creek Freedmen in accordance with the provisions of the Acts of Congress, June 28, 1898 (30 Stat. 495), and March 1, 1901 (30 Stat. 861), and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

Chairman.

Commissioner.

Commissioner.

Muskogee, Indian Territory.

FEB 3 - 1905

#42

In re  
application of  
Alice Wilson

Copy

DEPARTMENT OF THE INTERIOR,  
COMMISSION TO THE FIVE CIVILIZED TRIBES.  
FILED

January 19, 1903

CHAIRMAN.

COPY.

DEPARTMENT OF THE INTERIOR  
COMMISSION TO THE FIVE CIVILIZED TRIBES.

NO. 42.

In the matter of the application of  
Alice Wilson for enrollment as a  
Creek Citizen.

Comes now Alice Wilson and upon oath says; she is 34 years of age, a resident of the city of Muskogee and has resided in the Creek Nation all of her life. She is a citizen of the Creek Nation and was enrolled at Okmulgee, Indian Territory in 1895 and participated in the payment made to Creek Citizens during that year. Through a mistake of the Clerk of the Citizenship Committee she was enrolled as Alice Bailey when in truth and fact her name was at that time Alice Wilson. She was living with a family of the name of Bailey and was enrolled the same time they were enrolled and the mistake made by the Clerk was not fault of hers and was made without her knowledge. She is the identical person who was enrolled as Alice Bailey and belonged to Arkansas town of the Creek Nation. At the time she appeared before this Honorable Commission for enrollment she was not aware of the mistake having been made by the Clerk and supposed that she had been enrolled by her true name, and she learned of this mistake within the last few days. She is entitled to all the rights and privileges of a Creek Citizen and is prepared and ready to establish the facts set forth herein if given an opportunity so to do.

WHEREFORE/ she prays that her application for enrollment be reconsidered and that on final trial herein that she be enrolled by this Honorable Commission as a Citizen of the Creek Nation.

(SIGNED)

Alice Wilson

Page 2.

Subscribed and sworn to before me this the 16th day of January  
A. D. 1904.

*Heard*

(SIGNED)

John R. Vallentine  
Notary Public.

(SIGNED)

Bailey Owen

Attorneys for Applicant.

I hereby acknowledge receipt of a copy of the foregoing petition  
this January 18th 1904

(SIGNED)

H. P. Murphy



TO THE HONORABLE COMMISSION TO THE FIVE CIVILIZED TRIBES OF INDIANS:

Your Petitioner, Alice Wilson, for herself and for her three children Ferdinand Wilson ten years of age, Ellis Wilson, eight years of age, and Lafayette Wilson, five years of age, and her niece, Nody Mahardy, about thirteen years of age, whose parents are both dead ~~respectfully~~ respectfully represents that she is a citizen of the Creek Nation, and the daughter of Ben Mahardy, a Creek citizen who died at Ft. Leavenworth, Kansas, in 1865, while serving as a soldier in the United States Army.

Her Father, Ben Mahardy now deceased, was a full brother of Patsy McIntosh, and Babe Mahardy ~~both~~ both enrolled as Creek citizens, and they are of undoubted Creek citizenship.

The name of your petitioner, Alice Wilson was enrolled upon the Creek Rolls of 1896 by William McIntosh, Town King of Arkansas, Town Colored.

Her name also appears upon the roll of Creek citizens in the executive office of the Creek Nation now in possession of the Honorable Pleasant Porter, Chief of said Nation.

Ferdinand Wilson, Ellis Wilson, and Lafayette Wilson named above are her minor children, born to her in lawful wedlock with Hezekiah Wilson, a citizen of the United States.

Nody Mahardy, her niece named above is the child of Robert Mahardy, her brother, born in lawful wedlock. Robert was a Creek citizen and died about the year 1891, since which time she has had the care and custody of said child, adopting her as her own.

Wherefore she prays this Honorable Commission to reconsider its action in these cases and enroll them as Creek citizens.

In support of her petition for reconsideration, she files herewith the affidavit of herself, of Patsy McIntosh, Babe Mahardy, Gabriel Jamison and William McIntosh.

*Alice Wilson*  
Sworn to and subscribed to before me this the 27 day of December, 1901.

*J. H. Bellamy*  
Notary Public.

*My Comm. expires Jan'y 31-1904.*



#42

In re  
application of  
Alice Wilson  
for Creek Citizenship

DEPARTMENT OF THE INTERIOR,  
COMMISSION TO THE FIVE CIVILIZED TRIBES

FILED

January 19, 1903

CHAIRMAN

Bailey & Owen  
attys -

5518

Indian Office,

Incl. No. 2

1904

Department of the Interior,  
RECEIVED.

JAN 30 1904

Enc. No. 4 of No. 831  
Indian Territory Division.

This was enrolled as Alice Bailey and believed to be same as of 1898

DEPARTMENT OF THE INTERIOR  
COMMISSION TO THE FIVE CIVILIZED TRIBES.

NO. 62. (42)

In the matter of the application of  
Alice Wilson for enrollment as a  
Creek Citizen.

Come now Alice Wilson and upon oath says; she is 34 years of age, a resident of the city of Muskogee and has resided in the Creek Nation all of her life. She is a citizen of the Creek Nation and was enrolled at Okmulgee, Indian Territory in 1886 and participated in the payment made to Creek Citizens during that year. Through a mistake of the Clerk of the Citizenship Committee she was enrolled as Alice Bailey when in truth and fact her name was at that time Alice Wilson. She was living with a family of the name of Bailey and was enrolled the same time they were enrolled and the mistake made by the Clerk was not fault of hers and was made without her knowledge. She is the identical person who was enrolled as Alice Bailey and belonged to Arkansas town of the Creek Nation. At the time she appeared before this Honorable Commission for enrollment she was not aware of the mistake having been made by the Clerk and supposed that she had been enrolled by her true name, and she learned of this mistake within the last few days. She is entitled to all the rights and privileges of a Creek Citizen and is prepared and ready to establish the facts set forth herein if given an opportunity so to do.

WHEREFORE/ she prays that her application for enrollment be reconsidered and that on final trial herein that she be enrolled by this Honorable Commission as a Citizen of the Creek Nation.

Alice Wilson

Page 2.

Subscribed and sworn to before me this the 16<sup>th</sup> day of January  
A. D. 1904.

My Commission Expires Oct. 21st 1906.

John R. Venturian  
Notary Public.

Bailey Owen  
Attorneys for Applicant.

I hereby acknowledge receipt of a copy of the foregoing petition

This January 18<sup>th</sup> 1904.

[Signature]

Council Hill St.  
Aug 7<sup>th</sup> 1906.

Henry G. Haines Esq.  
Enrollment Division. Davis Com.  
Muskogee St.

Dear Sir. Please  
send me the testimony in the case of  
Oatsy Durant Grayson chieft of Alice  
Grayson of Henryetta St. I have positive  
evidence in <sup>the</sup> case of Alice Wilson, that  
the chieft Nodi Wilson is her brother's chieft  
and he is a state coon. Send me the tes-  
timony in the Grayson case as soon as  
you can.

Very Resp. &c  
Geo W Stedham

(COPY)

Muskogee, Indian Territory, January 15, 1902.

The Honorable,

The Secretary of the Interior.

Sir:

There is herewith transmitted the record of proceedings in the matter of the application of Alice Wilson for the enrollment of herself as a citizen of the Creek Nation, including the decision of the Commission, dated May 11, 1901, denying said application.

Respectfully,

T. B. Needles.

Commissioner in charge.

1 enclosure  
Creek 42.

Through the Commissioner  
of Indian Affairs.



(COPY)

Muskogee, Indian Territory, January 13, 1902.

A. P. McKellop, Esq.,

H. O. Reed, Esq.,

Attorneys for Creek Nation,

Muskogee, Indian Territory.

Gentlemen:

There is herewith enclosed a copy of the decision of the Commission to the Five Civilized Tribes in the matter of the application for the enrollment of Alice Wilson as a citizen of the Creek Nation.

The decision, with a copy of the proceedings had in the case, is this day transmitted to the Secretary of the Interior for his review and decision. The final decision of the Secretary will be made known to you as soon as the Commission is informed of the same.

Yours truly,

T. B. Needles.

Commissioner in Charge.

1 enclosure McK & R-120.  
Registered.

(COPY)

Muskogee, Indian Territory, January 15, 1903.

Mr. W. M. Cravens,

Attorney for Alice Wilson,

Muskogee, Indian Territory.

Dear Sir:

There is herewith enclosed a copy of the decision of the Commission to the Five Civilized Tribes in the matter of the application for the enrollment of Alice Wilson as a citizen of the Creek Nation.

The decision, with a copy of the proceedings had in the case, is this day transmitted to the Secretary of the Interior for his review and decision. The final decision of the Secretary will be made known to you as soon as the Commission is informed of the same.

Yours truly,

T. B. Needles.

Commissioner in charge.

1 enclosure WHC-120  
Registered.

(COPY)

Muskogee, Indian Territory, January 15, 1908.

Alice Wilson,

Muskogee, Indian Territory.

Dear Madam:

There is herewith enclosed a copy of the decision of the Commission to the Five Civilized Tribes in the matter of the application made by you for the enrollment of yourself as a citizen of the Creek Nation.

The decision, with a copy of the proceedings had in the case, is this day transmitted to the Secretary of the Interior for his review and decision. The final decision of the Secretary will be made known to you as soon as the Commission is informed of the same.

Yours truly,

T. B. Needles.

Commissioner in charge.

1 enclosure A.W.120.  
Registered.

(COPY)

Muskogee, Indian Territory, February 6, 1902.

The Honorable,

The Secretary of the Interior.

Sir:

Receipt is hereby acknowledged of departmental letter of January 25, 1902, returning the record in the matter of the application of Alice Wilson for enrollment as a citizen of the Creek Nation and requesting further information relative to the alleged adoption of the applicant by the Creek Council.

The Commission has the honor to report that the tribal rolls and records in possession of the Commission do not support the statements made by the applicant that she participated in the Creek payment at which fourteen dollars and forty cents was paid per capita; that she proved her right "and was adopted by the Council"; and that she applied to the Citizenship Committee of eighteen or to the Colbert Commission. All of said tribal rolls and records were carefully examined before the Commission rendered its decision and have been again thoroughly examined since the receipt of the Department's communication. The name of the applicant does not appear upon the regular 1895 pay rolls, nor upon the roll of persons paid subsequent to the regular payment, known as the "1895 Omitted roll". Her name cannot be found upon the records of the Creek Citizenship Commission created by act of Council approved

May 30, 1895, and is not upon the authenticated 1895 roll prepared by the committee of eighteen under the provisions of the acts of Council approved May 15 and 17, 1895. Furthermore, her name cannot be found mentioned in any act of Council of which the Commission has a record.

The applicant and various persons interested in her behalf have on numerous occasions been accorded free access to all of the tribal records in possession of the Commission with a view to permitting the introduction of further evidence in support of her application but no offer of such evidence has ever been made to the Commission.

The record in the case is herewith enclosed.

Very respectfully,

Tams Bixby

Acting Chairman.

Through the Commissioner  
of Indian Affairs.

1 Enc.

(COPY)

Refer in reply to the  
Following: Land  
9124-1902.

Department of the Interior,  
Office of Indian Affairs,  
Washington, February 20, 1902.

The Honorable

The Secretary of the Interior.

Sir:

Referring to Department letter of January 26, 1902, (ITD-481), and to office report of January 23, last, there is inclosed herewith a report from the Acting Chairman of the Commission to the Five Civilized Tribes dated February 6, 1902, relative to the application of Alice Wilson for enrollment as a Creek citizen.

From the Commission's report it appears that the applicant was not adopted by the National Council of the Creek Nation and that her name does not appear on any of the tribal rolls of the Creek Nation in the possession of the Commission. May 11, 1902, the Commission held that the applicant was not entitled to enrollment as a citizen of the Creek Nation.

The office now believes that the Commission's decision in this case is correct and respectfully recommends that it be approved.

Very respectfully,

Your obedient servant,

W. A. JONES.

Commissioner.

GAW  
D

3 inclosures.



(COPY)

12335

L.R.S.  
I.T.D.481 &  
1287-1902.

F.

Department of the Interior.  
Washington.

February 25, 1902.

Commission to the Five Civilized Tribes,  
Muskogee, I.T.

Gentlemen:

Your decision of May 11, 1901, rejecting the application for enrollment of Alice Wilson as a citizen of the Creek Nation, case No. 42, in accordance with the act of May 31, 1900 (31 Stat., 221), is hereby affirmed, as recommended by the Commissioner of Indian Affairs in letter of February 20, 1902, a copy of which is inclosed herewith.

Respectfully,

THOS. RYAN.

Acting Secretary.  
EMD.

1 inclosure.

6.74

COMMISSIONERS  
HENRY L. DAWES.  
TAMS BIXBY.  
THOMAS B. NEEDLES.  
C. R. BRECKINRIDGE.

DEPARTMENT OF THE INTERIOR.  
COMMISSION TO THE FIVE CIVILIZED TRIBES.

REFER IN REPLY TO THE FOLLOWING

ALLISON L. AYLESWORTH.  
SECRETARY

*PRK*

REPLY ONLY THE  
COMMISSION TO THE FIVE CIVILIZED TRIBES

Muskogee, Ind.Ter., April 3, 1902.

Alice Wilson,

Muskogee, Ind.Ter.

Dear Madam:

You are hereby advised that the Secretary of the Interior, under date of February 25, 1902, affirmed the decision of the Commission, dated May 11, 1901, denying the application made by you for the enrollment of yourself as a citizen of the Creek Nation.

Yours truly,

*C. R. Breckinridge*

Commissioner in Charge.

Creek-42.

OCH.

COMMISSIONERS  
HENRY L. DAWES.  
TAMM BIXBY.  
THOMAS B. NEEDLES.  
C. R. BRECKINRIDGE.

ALLISON L. AYLESWORTH.  
SECRETARY

DEPARTMENT OF THE INTERIOR.  
COMMISSION TO THE FIVE CIVILIZED TRIBES.

REFER IN REPLY TO THE FOLLOWING

(COPY)

RECEIVED ONLY THE  
COMMISSION TO THE FIVE CIVILIZED TRIBES.

Muskogee, Ind.Ter., April 3, 1902.

A. P. McKellop, Esq.,

H. C. Reed, Esq.,

Attorneys for the Creek Nation,

Muskogee, Indian Territory.

Gentlemen:

You are hereby advised that the Secretary of the Interior, under date of February 25, 1902, affirmed the decision of the Commission, dated May 11, 1901, denying the application of Alice Wilson for enrollment as a citizen of the Creek Nation.

Yours truly,

C. R. BRECKINRIDGE.  
Commissioner in Charge.

Creek-42.

OCH.

COMMISSIONERS

HENRY L. DAWES.  
TAMM BIXBY.  
THOMAS B. NEEDLES.  
C. R. BRECKINRIDGE.

ALLISON L. AYLESWORTH.  
SECRETARY

DEPARTMENT OF THE INTERIOR.  
COMMISSION TO THE FIVE CIVILIZED TRIBES.

REFER IN REPLY TO THE FOLLOWING

(COPY)

ADDRESS ONLY IN.  
COMMISSION TO THE FIVE CIVILIZED TRIBES

Muskogee, Ind.Ter., April 3, 1902.

W. M. Gravens, Esq.,

Attorney for Alice Wilson,

Muskogee, Indian Territory.

Dear Sir:

You are hereby advised that the Secretary of the Interior, under date of February 25, 1902, affirmed the decision of the Commission, dated May 11, 1901, denying the application of Alice Wilson for enrollment as a citizen of the Creek Nation.

Yours truly,

C. R. BRECKINRIDGE.  
Commissioner in Charge.

Creek-42.

OCH.

(COPY)

DEPARTMENT OF THE INTERIOR,  
OFFICE OF INDIAN AFFAIRS.

LAND  
12335-1902  
5518-1904

Washington, January 29, 1904.

The Honorable,  
The Secretary of the Interior.

Sir:

Referring to Department letter of February 25, 1902, (I.T.D. 481, 1287) approving the decision of the Commission to the Five Civilized Tribes adverse to the enrollment of Alice Wilson as a citizen of the Creek Nation, I have the honor to enclose herewith report from the Commission to the Five Civilized Tribes, dated January 20, 1904, transmitting a motion filed by Alice Wilson, dated January 19, 1904, in which it is set forth that said Alice Wilson participated in the Creek payment of 1895; that through a mistake of the clerk of the Citizenship Committee she was enrolled as Alice Bailey; that she was living with a family of the name of Bailey and was enrolled at the same time they were enrolled; that she is identical with the person who was enrolled as Alice Bailey and belonged to the Arkansas town of the Creek Nation.

It is further alleged that at the time she appeared before the Commission for enrollment she was not aware of the mistake and that she has recently learned of the same.

The Commission says that the tribal rolls of the Creek nation in their possession show that Alice Bailey was enrolled upon the 1895 omitted roll, Arkansas town, and recommends that the motion be granted and the Commission authorized to have a re-hearing of the case.

From the statements in the motion it appears to this office that the case should be reopened and it therefore concurs in the recommendation of the Commission.

The record in the case and all other papers relating thereto on file in this office are enclosed herewith.

Very respectfully,

A.C. Tonner,

Acting Commissioner.

GAW/IM

4 enclosures.

Muskogee, Indian Territory, January 20, 1904.

The Honorable

The Secretary of the Interior.

Sir:

February 25, 1902 (I.T.D. 1287-1902) the Department affirmed the decision of the Commission denying the application of Alice Wilson for enrollment as a citizen of the Creek Nation.

January 19, 1904, said Alice Wilson filed a motion for a rehearing of the case. It is stated in the motion that she participated in the payment made to the Creek citizens in 1895; that through a mistake of the clerk of the Citizenship Committee she was enrolled as Alice Bailey; that she was living with a family of the name of Bailey and was enrolled at the same time they were enrolled; that she is the identical person who was enrolled as Alice Bailey and belonged to Arkansas town of the Creek Nation. It is further stated that at the time she appeared before the Commission for enrollment she was not aware of the mistake, and that she learned of it within the last few days.

The tribal rolls of the Creek Nation in possession of the Commission have been examined and the name Alice Bailey is found upon the 1895 Omitted Roll, Arkansas town.



Secretary --2.

It is respectfully recommended that the motion be granted, and the Commission authorized to have a rehearing of the case.

The motion is herewith transmitted for Departmental consideration.

Respectfully,

Commissioner in Charge.

Through the  
Commissioner of Indian Affairs.

HCH. 1.

I.T.D. 832-1904.

(Copy)  
DEPARTMENT OF THE INTERIOR,  
WASHINGTON,

WCF  
FHE  
April 4, 1904.

LRS

Commission to the Five Civilized Tribes,  
Muskogee, Indian Territory.

Gentlemen:

On January 20, 1904, you transmitted a petition dated January 19, 1904, for a rehearing of the Creek enrollment case of Alice Wilson. Your decision rejecting the applicant was approved by the Department February 25, 1902.

reporting January 29, 1904, the Acting Commissioner of Indian Affairs recommends that said petition be granted. A copy of his letter is inclosed, together with said petition.

The Department concurs in said recommendation. The record in the case is returned herewith and you are directed to allow the applicant a reasonable time within which to submit any further testimony she may desire.

Respectfully,

(Signed: Thos Ryan.

Acting Secretary.

3 inclosures.

2819

En. 42.

Muskogee, Indian Territory, April 12, 1904.

Honorable P. Porter,  
Principal Chief Creek Nation,  
Muskogee, Indian Territory.

Sir:

In the matter of the petition for a rehearing of the application for the enrollment of Alice Wilson as a citizen of the Creek Nation, you are advised that on April 4, 1904, the Department reopened the case and directed the Commission to allow her a reasonable time within which to be heard.

Accordingly, you are notified that said Alice Wilson will be allowed a reasonable time within which to submit such testimony as she may desire. The Creek Nation will also be permitted to introduce evidence in the case.

Respectfully,

Commissioner in Charge.

J. H. B.  
En. 42.

Muskogee, Indian Territory, April 12, 1904.

Bailey & Owen,

Attorneys for Alice Wilson,

Muskogee, Indian Territory.

Gentlemen:

In the matter of a petition for a rehearing of the application for the enrollment of Alice Wilson as a citizen of the Creek Nation, you are advised that on April 4, 1904, the department reopened the case and directed the Commission to allow the applicant a reasonable time within which to be heard.

Accordingly, you are hereby notified that said Alice Wilson will be allowed a reasonable time within which to submit any further testimony she may desire.

Respectfully,

Commissioner in Charge.

J.H.B

En. 42.

Muskogee, Indian Territory, April 12, 1904.

Alice Wilson,

Muskogee, Indian Territory.

Dear Madam:

In the matter of the petition for a rehearing of your application for enrollment as a citizen of the Creek Nation, you are advised that on April 4, 1904, the Department re-opened the case and directed the Commission to allow you a reasonable time within which to be heard.

Accordingly, you are notified that you will be allowed a reasonable time within which to submit any further testimony you may desire.

Respectfully,

Commissioner in Charge.

Register.

Muskogee, Indian Territory, February 7, 1905.

M. L. Mott,

Attorney for the Creek Nation,  
Muskogee, Indian Territory.

Sir:

There is herewith enclosed one copy of the decision of the Commission to the Five Civilized Tribes in the matter of the application for the enrollment of Alice, Odio, Ferdinand, Ellis and Lafayette Wilson as Creek freedmen.

You are hereby notified that the Creek Nation will be allowed fifteen days from the date hereof to protest against said decision, and if, at the expiration of that time, no such protest has been made, said Alice, Odio, Ferdinand, Ellis and Lafayette Wilson will be regularly listed for enrollment as Creek freedmen.

Respectfully,

Chairman.

JY-7-76.



(2)

Muskogee, Indian Territory, April 17, 1905.

Alice Wilson,

Muskogee, Indian Territory.

Dear Madam:

You are advised that the names of yourself and your four minor children, Noile, Ferdinand, Ellis and Lafayette Wilson, are contained in the partial list of Creek Freedmen, approved by the Secretary of the Interior April 6, 1905, and that application for selections of land in the Creek Nation may now be made for yourself and said minor children at the office of the Commission, at Muskogee, Indian Territory.

Respectfully,

Tame Bixby

Chairman.

(2)

I.D.

Creek En. 42

Muskogee, Indian Territory, April 22, 1905.

Cravens, Rutherford & Cravens,

Attorneys for Alice Wilson, et al.,

Muskogee, Indian Territory.

Gentlemen:

You are advised that the names of Alice Wilson and her four minor children, Nodie, Ferdinand, Ellis and LaFayette Wilson, are contained in the partial list of Creek Freedmen, approved by the Secretary of the Interior April 6, 1905, and that application for selections of land in the Creek Nation may now be made for said Alice Wilson and her four minor children at the office of the Commission, at Muskogee, Indian Territory.

Respectfully,

Tams Bixby

Chairman.

(3)

*J. M.*

Creek En. 42.

Muskogee, Indian Territory, April 22, 1905.

Bailey & Owen,

Attorneys for Alice Wilson, et al.,

Muskogee, Indian Territory.

Gentlemen:

You are advised that the names of Alice Wilson and her four minor children, Nodie, Ferdinand, Ellis and LaFayette Wilson, are contained in the partial list of Creek Freedmen, approved by the Secretary of the Interior April 6, 1905, and that application for selections of land in the Creek Nation may now be made for said Alice Wilson and her four minor children at the office of the Commission, at Muskogee, Indian Territory.

Respectfully,

*James H. Jones*

Chairman.

(3)

I.D.

Creek En. 42

Muskogee, Indian Territory, April 22, 1905.

Riley & Owen,

Attorneys for Alice Wilson, et al.,

Muskogee, Indian Territory.

Gentlemen:

You are advised that the names of Alice Wilson and her four minor children, Nodie, Ferdinand, Ellis and LaFayette Wilson, are contained in the partial list of Creek Freedmen, approved by the Secretary of the Interior April 6, 1905, and that application for selections of land in the Creek Nation may now be made for said Alice Wilson and her four minor children at the office of the Commission, at Muskogee, Indian Territory.

Respectfully,

Tame Bixby

Chairman.

Cr.En. 42.

Muskogee, Indian Territory, April 17, 1905.

Alice Wilson,

Muskogee, Indian Territory.

Dear Madam:

You are advised that the names of yourself and your four minor children, Nodie, Ferdinand, Ellis and Lafayette Wilson, are contained in the partial list of Creek Freedmen, approved by the Secretary of the Interior April 6, 1905, and that application for selections of land in the Creek Nation may now be made for yourself and said minor children at the office of the Commission, at Muskogee, Indian Territory.

Respectfully,

Chairman.

D. 24

(2)

Creek En. 42.

Muskogee, Indian Territory, April 22, 1905.

Cravens, Rutherford & Cravens,

Attorneys for Alice Wilson, et al.,

Muskogee, Indian Territory.

Gentlemen:

You are advised that the names of Alice Wilson and her four minor children, Nodie, Ferdinand, Ellis and LaFayette Wilson, are contained in the partial list of Creek Freedmen, approved by the Secretary of the Interior April 6, 1905, and that application for selections of land in the Creek Nation may now be made for said Alice Wilson and her four minor children at the office of the Commission, at Muskogee, Indian Territory.

Respectfully,

Wm. J. Cravens

Chairman.



CR EN 43

CR EN 43

DEPARTMENT OF THE INTERIOR  
COMMISSION TO THE FIVE CIVILIZED TRIBES,  
MUSCOGEE, MAY 9th, 1900.

In re,  
Application for Enrollment of Delilah McCallen (nee Carr),  
and her child, Hermann L. McCallen, as Citizens of the Creek Nation.

March Thompson, being duly sworn, testified through  
William McCuba, sworn interpreter, as follows:

Mr. Dixey: What is your name? A - March Thompson.

Q - Are you a citizen of the Creek Nation?

A - Yes, sir.

Q - How old are you? A - About 35.

Q - Do you hold any official position in the Creek Government.

A - Town King of Tulweh-lucke town.

Q - Do you know Delilah McCallen?

A - The last time I saw her she was about that tall (about  
four feet).

Q - About how many years old?

A - Between fifteen and seventeen. Since that time Bill Gentry  
has sorter adopted her.

Q - How long have you known her?

A - I recognize her to be the same girl that I saw, from her  
features. I knew her mother and her grandmother both.

Q - Have you known her since she was a baby?

A - I have known her ever since she was a baby.

Q - What was her name before she was married?

A - I knew her by the name of her father, Washington Carr.

Q - Do you know her mother?

A - Was very well acquainted with her.

Q - Her mother was a Creek citizen?

A - Her mother was a Seminole. I knew her grandmother also.

Q - What was the grandmother's name? A - Tah-sin-he-ye. Her  
grandfather was my mother's grandfather.

Q - The grandmother was also on the Seminole rolls, wasn't she?

A - Yes, she was a Seminole. Her mother and her people on the

mother's side were Seminoles, and the father's people were Greeks. Her mother's people never did live in the Seminole country; they came from Alabama with the Greeks.

Q - Delilah has been on the Seminole rolls until within a few years; her mother was on the Seminole rolls; you know that, don't you?

A - I know her mother and all her people were enrolled in the Seminoles and used to draw the Seminole annuities, but I can't say that Delilah did so, but since Gentry adopted her she was enrolled in the Creek Nation.

Q - Do you know that of your own knowledge?

A - Willie LeBlanch was town chief, and Willie told me he had enrolled her.

Q - As a matter of fact, we can't find her on any rolls.

A - I know that she was enrolled, but was enrolled with the Seminoles up to the date that Gentry took her, and after that, from what LeBlanch told me, she was enrolled on the Hitchokee and drew the annuities. She was then living with LeBlanch, went from Gentry to LeBlanch.

Q - Was her mother a full blood Indian?

A - Yes, sir, she was a full blood.

-----o-----

Muscogee, May 9, 1900.

Department of the Interior,

Commission to the Five Civilized Tribes.

I hereby certify, upon my official oath as stenographer to above named Commission, that this transcript is a true, full and correct translation of my stenographic notes.

Prince C. Jones

DEPARTMENT OF THE INTERIOR,  
COMMISSION TO THE FIVE CIVILIZED TRIBES,  
MUSKOGEE LAND OFFICE, Jan. 15, 1909.

In the Matter of the Application of:  
Delilah Mxxx McMullen, and her  
child, Herman Lee, as citizens of  
the Creek Nation.  
-----

Delilah McMullen being duly sworn, testified as follows.

By Mr. Angell:

- Q What is your name? A Delilah McMullen  
Q How old are you? A 22  
Q What was your name before you were married? A Delilah Carr.  
Q How many children have you? A One.  
Q What is the name of that child? A Herman Lee McMullen.  
Q How old is Herman? A 9 months old.  
Q Are you a citizen of the Creek Nation? A Yes  
Q Did you ever reside in any other nation? A No.  
Q Did you not at one time, live in the Seminole Nation? A No.  
Q What was the name of your father? A Washington Carr.  
Q Was he a citizen of the Creek Nation? A Yes.  
Q Full blood Indian? A Yes.  
Q What was the name of your mother? A Tina Carr.  
Q Was she a citizen of the Creek Nation? A She was a Seminole  
and part Creek.  
Q Part Creek and part Seminole? A Yes sir.  
Q Are your father and mother both living? A No, both dead.  
Q How long have they been dead? A I can't tell you; when I was  
small.  
Q A good many years? A Yes.  
Q Was your name ever on the Seminole rolls? A Yes, I think it was  
Q Do you recollect what Tribe you belonged to? A Thomas Little.  
Q Did you ever draw any money in the Seminole Nation? A Not  
that I know of.  
Q Is your name on the Creek roll? A No, couldn't find it on the  
Creek roll.  
Q You mean you don't know? A No, I don't know.  
Q What Creek town do you belong to? A Hitchetee.  
Q Do you know whether or not you drew the \$29 in 1890?  
A No, I don't know.  
Q Know whether anyone drew it for you? A No.  
Q Did you draw the \$14.40 in '95? A Yes.  
Q What town? A Hitchetee; Mr. Gentry drew the money for me.  
Q Did he give you the money? A Yes.  
Q Do you know whether or not you were ever transferred from the  
Seminole rolls to the Creek rolls? A No.  
Q What is the name of your husband? A Will McMullen.  
Q Is he a citizen of the Creek Nation? A No.  
Q Did you ever have any other name besides Delilah McMullen? and  
Delilah Carr? A No.  
Q Did you have an Indian name? A No.  
Q Nor no busk name? A No.  
Q Have you got any brothers and sisters? A None that I knew of;  
Albert Carr is the only one I ever knew of; I didn't know him.  
Q Do you know whether or not he is living? A He is dead.  
Q Was he a citizen of the Creek or Seminole Nation? A Seminole.  
Q Was he a Seminole? A I don't know whether he was a Creek or  
Seminole.

- Q Where have you been living during the last 8 or 10 years?  
A At Chakotah.  
Q Have you lived there all your life? A Yes.  
Q Do you know Mr. Wm. Gentry? A Yes.  
Q Has he been acting as your guardian? A Yes.  
Q For how long? A About 16 years.  
Q Haven't you lived at one time in the orphan asylum at Okmulgee?  
A Yes sir.  
Q How long did you live there? A I just went to school there.  
Q Your home has always been near Chakotah with Wm. Gentry? A Yes.  
Q How old are you now? A 22.

William E. Gentry, being duly sworn, testified as follows:

- Q What is your name? A Wm. E. Gentry.  
Q How old are you? A 27.  
Q Are you a citizen of the Creek Nation? A Yes.  
Q How long have you resided here? A Ever since 1855.  
Q Do you know the applicant here, Delilah McMullen? A Yes.  
Q How long have you known her? A Somewhere about 14 years.  
Q Have you been looking after her affairs? A Yes sir.  
Q In what capacity? A She was brought to our house when she was 6 or 7 years old; they was living up above us on Deep Fork, and she was brought to our house about that age, and we have been looking after her ever since.  
Q She has been living with you all this time? A Most of the time; she went to school at Eufaula a little while, and then went to school at Okmulgee.  
Q Have you been acting as her guardian? A Yes sir.  
Q Have you ever been appointed her legal guardian? A Yes, by Judge Harjo (Beaver).  
Q Did you know the mother and father of Delilah? A I knew the father well, Washington Carr.  
Q Did you know the mother? A No, I didn't know her; only knew of her; just heard what her name was.  
Q Was her father a full blood Creek? A Yes, he couldn't speak a word of English.  
Q Was her mother a full blood Creek? A I think she was full blood Indian but part Seminole and part Creek, half and half; that was my understanding.  
Q Do you know how long they have been dead? A No, they was dead, all of them, when she came to my house.  
Q That was over 16 years ago? A Yes. It was my understanding she was an orphan then.  
Q Do you know whether or not her name was ever on the Seminole roll?  
A Yes, her name was on the Seminole roll, and Thomas Little sent some down there to me; I disremember what payment it was.  
Q You cannot recall the time that payment was made, nor the amount?  
A No, it was way back there; I think maybe it was sixty some odd dollars.  
Q Has she ever been transferred to the Creek rolls? A Yes, she was transferred I suppose about 10 years ago; I don't remember when she went to school; I tried to get her into the school and they wouldn't let her because she was on the Seminole roll, and I had her transferred; I got Little to agree to the transfer and then they let her go to school; they would not let her get in the schools until after she had been transferred. I talked to the Trustees of the orphan schools, Gibson and Haynes and Belcher, and they wouldn't let her in until I got her transferred; they let her in both schools then.

- Q Did you ever draw any money for Delilah in the Creek Nation?  
A Yes, I got the \$14.40 and gave it to her--the last payment; I got it from her member; her members drew it; I think maybe it was W. P. LaBlanch.  
Q What town? A Hitchetee.  
Q Did you go and draw the money yourself? A No, I got it from one of the members of the council, I am satisfied it was Will Deblanche.  
Q Is he now living? A No, he is dead.  
Q Do you know if Delilah has ever made any attempt to be enrolled as a citizen of the Seminole Nation? A No not to my knowledge; if she ever did, I knew nothing about it.  
Q Delilah is then, about three-quarters Creek? A Yes sir.  
Q Has Delilah ever resided in the Seminole Nation? A No, not since she has been with me, and I don't have any idea she was ever out of the Creek Nation in her life.  
Q Know whether or not she has any brothers or sisters? A She had a brother, but he is dead.  
Q Is that all the relatives she had? A Yes, there is none of the family left; all dead except her; she is the only one I know of; mother, father, and brother, and she might have lost a sister sometime ago; but if she has got any other, I don't know it.  
Q Did she ever have any Indian or busk name? A I am satisfied that she didn't; they have to be older before they have a busk name; some says Lila and some says Delilah, and we knew her father to be a Carr and we put the Carr to it.

Delilah Carr-McMullen recalled.

- Did you ever try to be enrolled as a member of the Seminole Nation?  
A Not as I know of.  
Q You would know if you did, wouldn't you? A Yes.

Department of the Interior,

Commission to the Five Civilized Tribes.

I hereby certify, upon my official oath as stenographer to above named Commission, that this transcript is a true, full and correct translation of my stenographic notes.

James R. Brown



DEPARTMENT OF THE INTERIOR  
COMMISSION TO THE FIVE CIVILIZED TRIBES.  
Muskogee, Indian Territory, April 19th, 1901.

In the matter of the application of Delilah McMullin and Herman Lee McMullin for enrollment as citizens of the Creek Nation.

W. E. GENTRY, being duly sworn, testified as follows:

(Examination by the Commission()).

- Q What is your name? A W. E. Gentry.  
Q What is your age? A 59.  
Q What is your post office address? A Checotah.  
Q Are you acquainted with Delilah McMullin? A Yes sir, one Delilah.  
Q What was her maiden name? A Delilah Carr.  
Q Do you know whether she is a citizen of the Creek Nation?  
A That's my understanding.  
Q How did she become a citizen of the Creek Nation, -- if you know? A By being transferred from the Seminole Nation to the Creek.  
Q In what year was that? A Its been some good while ago, I don't remember the date, --- it was when Alex Posey was superintendant.  
Q Of what school? A The Orphan school, and George Stidham of the Eufaula High School.  
Q On what roll did you have her name placed on when you had her enrolled? A On the Creek roll.  
Q Did she ever draw any money in the Creek Nation? A Yes sir, in the \$14.40 payment.  
Q Do you know whether or not she drew the \$14.40 in the regular payment or in the Omitted payment? A I don't know, --- I don't remember, but I do remember getting the money for her.  
Q What was her name then? What did she go by? A Delilah Carr.  
Q Do you know what name she was carried on the Seminole roll before she was transferred? A Delilah Carr, I received money for her from the Seminole chief and received it as Delilah Carr from Thomas Riddle.  
Q Who was Thomas Riddle? A Thomas Riddle was a Seminole, who was a band chief.  
Q Delilah belong to his band in the Seminole Nation?  
A Yes sir.  
Q Was she admitted by an act of Council in the Creek Nation?  
A I didn't understand it that way, --- I don't think she was.  
Q Who placed her name on the Creek roll? A Lets see, --- I think it was Willie Lerblance.  
Q What position did he hold at that time, if any? A He was king and belonged to the Upper House.  
Q In the Creek Nation? A Yes sir.  
Q Did Delilah Carr have any brothers and sisters that you know of? A She had a brother who lived up there by me, but I disremember his name, but he is dead.  
Q Did he die before or after she was transferred? A I don't know, I don't say about that.  
Q Do you remember his name if your memory is refreshed?  
A I think his name was Albert Carr, -- I think now, as well as I remember, and her father was named Washington Carr, I wouldn't be positive about his name but I would be about her father.

#2 Delilah Mougullin.

- Q Do you think Albert was living about the time Delilah was transferred to the Creek Nation? A I don't remember about that, he may have been, -- I can't remember whether he was living or not, he was living up west, and I had nothing to do with him, -- this girl lived with him when she was about 9 or 10 years old.

(By the Commission).

See Seminole tribal roll for the year 1895, page 21, on which appears the name of Albert and Liley following the name of Tapley, and Seminole tribal roll of 1897, page 190, on which appears the name of Liley following the name of Tapley.

- Q Do you know anybody by the name of Tapley? A Yes sir.
- Q You will state who he was? A I disremember now, but I think they were brothers and sisters, I had forgotten Tapley I was personally acquainted with Tapley.
- Q Do you know Tapley's mother, who she was? A No sir.
- Q Was Tapley a citizen of the Creek Nation? A That was my understanding, he's always been here, was raised here. He lived 12 miles from me, and that was my understanding, he never lived in the Seminole Nation and I know that.
- Q Do you know a family of whom Betsey Powell was the head?
- A No sir.
- Q Do you know any relatives of Tapley by the name of Perry, John? A No sir.
- Q Do you know whether or not it was before or after the Colbert Citizenship Commission was in session that Delilah Carr was supposed to have been ~~admitted~~ transferred to the Creek Nation? A I don't remember, it was a case that didn't go before them.
- Q Do you know whether or not any money has been drawn in the Seminole Nation for Delilah Carr within the past 3 or 4 years? A Not that I know of, I am satisfied there has'nt.
- (By Mr. Jackson, Attorney for applicant).
- Q What did you do to have her transferred to the Creek Nation?
- A Well, I met Thomas Little in Okmulgee and then I asked him him to excuse her from that roll, who transferred her from that roll and I had her put on the Creek roll. I could'nt send her to school here and I wanted to send her to school in the Creek Nation, and asked him if he could'nt grant me this and he did so, and I put her on the Hithitee roll and sent her to the Eufaula High School.
- Q Was it customary to do this? A That was my understanding.
- (By Mr. McKellop, Attorney for the Creek Nation).
- Q Did Delilah Carr live with you from the time she was married? A She was the time up to the time, a short while before she was married. She was at Mrs. Coffee's when she was married.
- Q How long from the time she lived at your home until she was married? A A very short time, only a few months.
- Q How long is it since she was married? A I guess its about three years.
- Q Three years? A About that time, may be four, I can't remember.
- Q How many payments did you receive for her from the Seminole Nation? A I disremember that. I received payments until about 7 or 8 years ago, and after she was transferred I didn't receive any more, and after I got her in school I never did receive any more.

#3. Delilah McMullin.

- Q This transfer that you speak of was made by you and Thomas Little of the Seminole Nation? A Yes sir, just an agreement as I understood he was to take her off of his roll and I was to have her put on the Creek roll, -- Hitchite.
- Q You didn't receive any certificate from the chief of the Seminole nation stating that the name had been erased from the Seminole roll, and Council didn't take any action in the matter? A There was nobody that knew anything about it. Willie Lerblance may have known something about it, he taken business in the transaction up there and when Thomas Little transferred her from the Seminole Nation he knows that the Hitchitees received her.
- Q This transfer that you speak of was done at Okmulgee?
- A Yes sir, at Okmulgee.  
(By the Commission).
- Q Did you receive any money from the Seminole nation for Delilah Carr after you drew the \$14.40 from the Nation?
- A No sir.

See Seminole Card, Field number 498, and Dawes Commission Seminole roll number 1651.

Lona Cummings having been first duly sworn, upon her oath states that as stenographer to the Commission to the Five Civilized Tribes, she reported in full all proceedings had in the above entitled cause on the 19th day of April, A.D., 1901, and that the above and foregoing is a full, true and correct transcript of her stenographic notes of said proceedings on said date.

*Lona Cummings*

Subscribed and sworn to before  
me at Muskogee, Indian Territory,  
this 26 day of April, A.D., 1901.



Acting Chairman.

DEPARTMENT OF THE INTERIOR  
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application of Delilah McMullen for the enrollment of herself and her child Hermon J. McMullen as citizens of the Creek Nation.

DECISION.

It appears from the record in this case that on January 15th, 1900, Delilah McMullen appeared before this Commission at Muskogee, Indian Territory and made application for the enrollment of herself and her child Hermon Lee McMullen as citizens of the Creek Nation and that additional testimony in her behalf was offered on April 19th, 1901.

It also appears that the said Delilah McMullen is the daughter of Washington Carr, deceased, a recognized citizen of the Creek Nation and of Tina Carr, deceased, a recognized citizen of the Seminole Nation; that she has been continuously carried upon the rolls of the Seminole Nation as a citizen of that Nation and that her mother was enrolled as a member of that tribe during her lifetime; that in 1895 or 1896 an effort was made to have her name transferred to the Creek tribal rolls but that such transfer was not recognized or ratified by the tribal authorities of the Creek Nation and that after that time she continued to be enrolled on the tribal rolls of the Seminole Nation by the tribal authorities of the said Nation.

It further appears that said Delilah McMullen is now the wife of Will McMullen, a citizen of the United States and father of the child Hermon Lee McMullen.

It is found that Delilah McMullen nee Carr is found upon the Seminole Roll made by this Commission and approved by the Secretary of the Interior at No. 1651 under the name of Lilley.

It is therefore the opinion of the Commission that the application of Delilah McMullen for the enrollment of herself and her child, Hermon Lee McMullen, as citizens of the Creek Nation should be denied and it is so ordered.

The Commission to the Five Civilized Tribes.

Dated at Okmulgee, Indian Territory,  
this the 11<sup>th</sup> day of May, 1901.

  
Acting Chairman.

  
Commissioner.

  
Commissioner.

(COPY)

Muskogee, Indian Territory, January 1, 1903.

The Honorable,

The Secretary of the Interior.

Sir:

There is herewith transmitted the record of proceedings in the matter of the application of Delilah McMullen for the enrollment of herself and child, Hermon L. McMullen, as citizens of the Creek Nation, including the decision of the Commission, dated May 11, 1901, denying said application.

Respectfully,

T. B. Needles.

Commissioner in charge.

1 enclosure.  
Creek 43.

Through the Commissioner  
of Indian Affairs.

(COPY)

Muskogee, Indian Territory, January 15, 1902.

Delilah McMullen,

Checotah, Indian Territory.

Dear Madam:

There is herewith enclosed a copy of the decision of the Commission to the Five Civilized Tribes in the matter of the application made by you for the enrollment of yourself and child, Herman L. McMullen, as citizens of the Creek Nation.

The decision, with a copy of the proceedings had in the case, is this day transmitted to the Secretary of the Interior for his review and decision. The final decision of the Secretary will be made known to you as soon as the Commission is informed of the same.

Yours truly,

T.B. Needles.

Commissioner in charge.

1 enclosure D.W.120.  
Registered.



(COPY)

Muskogee, Indian Territory, January 15, 1902.

Messrs. Givens & Jackson,

Attorneys for Delilah McMullen,

Muskogee, Indian Territory.

Gentlemen:

There is herewith enclosed a copy of the decision of the Commission to the Five Civilized Tribes in the matter of the application for the enrollment of Delilah McMullen and her child, Herman L. McMullen, as citizens of the Creek Nation.

The decision, with a copy of the proceedings had in the case, is this day transmitted to the Secretary of the Interior for his review and decision. The final decision of the Secretary will be made known to you as soon as the Commission is informed of the same.

Yours truly,

T. B. Needles.

Commissioner in charge.

1 enclosure G&J 130.  
Registered.

(COPY)

Muskogee, Indian Territory, January 15, 1902.

A. P. McKellop, Esq.,

H. G. Reed, Esq.,

Attorneys for Creek Nation,

Muskogee, Indian Territory.

Gentlemen:

There is herewith enclosed a copy of the decision of the Commission to the Five Civilized Tribes in the matter of the application for the enrollment of Delilah McMullen and her child, Hermon L. McMullen, as citizens of the Creek Nation.

The decision, with a copy of the proceedings had in the case, is this day transmitted to the Secretary of the Interior for his review and decision. The final decision of the Secretary will be made known to you as soon as the Commission is informed of the same.

Yours truly,

T. B. Needles.

Commissioner in charge.

1 enclosure McK & R 120 1/2.  
Registered.

(COPY)

Refer in reply to the  
following:

Land.  
4005-1902.  
8170-1902.

Department of the Interior,  
Office of Indian Affairs,

Washington, February 10, 1902.

The Honorable

The Secretary of the Interior.

Sir:

There is inclosed herewith a report from T. B. Needles, Esq., Commissioner in charge of the work of the Dawes Commission, which said report is dated January 15, 1902, and with which he forwarded for the Department's consideration the record relative to the application of Delilah McMullen, for the enrollment of herself and her minor child Hermon L. McMullen as citizens of the Creek Nation.

The Commission found that the applicants are not entitled to enrollment as citizens of the Creek Nation; it also found that Delilah McMullen has heretofore been enrolled as a citizen of the Seminole Nation, and that she appears on the Seminole Roll under the name of "Liley." This roll was approved by the Department on April 2, 1901.

The testimony in the case did not identify the person whose name appears on the Seminole Roll as the applicant, and on January 25, 1902, the Commission was requested to advise this office relative to the matter. The office is now in receipt of a communication from the Commission dated February 3, 1902, in which it is shown that Delilah McMullen, and Liley, whose name appears on the Seminole Roll

at No. 1651, are one and the same person. At said number on said roll the following entry appears: "Liley, age 50, Sex F, Blood 1/2." The testimony shows that the applicant was 22 years of age in 1900. The Commission explains this discrepancy by stating that the interpreter misinterpreted the statement of Thomas Little, one of the band chiefs of the Seminole Nation who furnished the Commission with information relative to "Liley," in that he announced the age of the applicant as 50 instead of 20 "as the answer of said Little to the question regarding" the applicant's age in 1898?

The Commission also incloses with said report the testimony of W. H. McMullen, husband of the applicant at the time he applied for an allotment for his wife in the Seminole Nation, to wit: September 30, 1901, in which her name appears as "Liley McMullen."

The Seminole agreement approved June 2, 1900, (31 Stats.250), declares that

"First. That the said Commission to the Five Civilized Tribes, in making the rolls of Seminole citizens, pursuant to the Act of Congress approved June twenty-eighth, eighteen hundred and ninety-eight, shall place on said rolls the names of all children born to Seminole citizens up to and including the thirty-first day of December, eighteen hundred and ninety-nine, and the names of all Seminole citizens then living; and the rolls so made, when approved by the Secretary of the Interior, as provided by said Act of Congress, shall constitute the final rolls of Seminole citizens, upon which the allotment of lands and distribution of money and other property belonging to the Seminole Indians shall be made, and to no other persons."

The office believes that the Commission's action in refusing to enroll the applicants as citizens of the Creek Nation is correct and that it should be approved. It also believes that the child Hermon L. McMullen should be enrolled as a citizen of the Seminole Nation. The record in the case shows that the child

was nine months old on January 15, 1900, and the agreement with the Seminoles specifically declares that all children born to Seminole parents prior to December 31, 1899, shall be enrolled.

The office does not believe that the Department's approval of said roll prevents the enrollment of said child. True, there is nothing in the papers to show that the Commission does not intend to recommend that said child be enrolled as a citizen of the Seminole Nation, but inasmuch as the Seminole Roll has already been approved by the Department, it is respectfully recommended that this office be authorized to add the name of said child to said roll; and that it be also authorized to correct the roll relative to the enrollment of Delilah McMullen and that the Commission to the Five Civilized Tribes be instructed to make the same indorsements on the copy of the roll in its possession.

Very respectfully,

Your obedient servant,

A. C. TONNER,

Acting Commissioner.

GAW  
D

6 inclosures.

(COPY)

10204

L.R.S.

I.T.D.1022-1902.

C.

Department of the Interior.

Washington.

February 14, 1902.

The Commission to the Five Civilized Tribes,

Muskogee, I. T.

Gentlemen:

On February 10, 1902, the Acting Commissioner of Indian Affairs transmitted the memorandum relative to the application of Delilah McMullen for the enrollment of herself and her minor child, Hermon L. McMullen, as citizens of the Creek Nation.

You denied the application, as provided in the act of May 31, 1900. It appears that Delilah McMullen, under the name of "Liley," is on the Seminole roll, at No. 1651, approved by the Department April 2, 1901.

The Acting Commissioner refers to the Seminole Agreement approved June 2, 1900 (31 Stat., 250), as follows:

" . . . the Commission to the Five Civilized Tribes, in making the rolls of Seminole citizens, pursuant to the act of Congress approved June twenty-eighth, eighteen hundred and ninety-eight, shall place on said rolls the names of all children born to Seminole citizens up to and including the thirty-first day of December, eighteen hundred and ninety-nine, and the names of all Seminole citizens then living;"

and states that, while your action in refusing to enroll the applicants as citizens of the Creek Nation is correct, he considers that the child, Hermon L. McMullen, should be enrolled as a citizen of the Seminole Nation, as it is shown that the child was nine months old on January 15, 1900; that the Department's approval of the



Seminole roll does not prevent the enrollment of this child.

The Department affirms your decision rejecting the application for enrollment in the Creek Nation. It does not concur in the views of the Acting Commissioner as to placing on the Seminole roll the name of Hermon L. McMullen.

You stated, on February 3, 1902, that in August, 1898, Thomas Little, Band Chief of Seminole citizens, personally furnished you information in the matter of the enrollment of Liley as a member of his band, band chiefs of the nation being authorized by the act of their council to appear for and represent members of their respective bands who neglected or failed to appear before the Commission for enrollment; that the Commission was unable to obtain from him or from other officials of the nation any surname by which the said Liley was known to them; that it being satisfactorily shown that the said party was living and her name was listed for enrollment it did not develop that the said Liley was identical with Delilah McMullen until the testimony was taken in the matter of the application for Creek citizenship on April 19, 1901.

It does not appear that the Commission was informed of the existence of Hermon L. McMullen prior to the approval of the roll.

The acts of June 28, 1898 (30 Stat., 495), and June 2, 1900 (31 Stat., 250), provide that the Seminole roll made by your Commission, when approved by the Secretary of the Interior, should be final, and the act of June 2, 1900, states that such roll shall constitute the roll "upon which the allotment of land and distribution of money and other property belonging to the Seminole Indians shall be made, and to no other persons."

While the Department feels authorized to make corrections in the roll approved by it April 2, 1901, as was done September 5, 1901, in the case where the name appeared on the roll, through inadvertence, as ~~Emms~~ Canard, when it should have been Susey Canard, it does not consider that it is warranted in adding any name to that roll of any person whose claim to citizenship was not presented to your Commission or the Department prior to the approval of the roll.

A copy of the Acting Commissioner's letter is inclosed.

Respectfully,

THOS. RYAN.

Acting Secretary.  
RMD

1 inclosure.

( COPY )

Refer in reply to the  
following:

Land  
10204-1902.

Department of the Interior,  
Office of Indian Affairs,

Washington, February 24, 1902.

The Honorable

The Secretary of the Interior.

Sir:

Referring to office report of February 10, 1902, relative to the application of Delilah McMullen for the enrollment of herself and her minor child, Herman L. McMullen, as citizens of the Creek Nation, I have the honor to acknowledge receipt of Departmental letter of February 14, 1902, relative to the same subject.

In office report above mentioned it was recommended that the Commission to the Five Civilized Tribes be instructed to enroll said minor child as a citizen of the Seminole Nation, it appearing from the testimony that his mother is a Seminole, and an examination of the records of this office having shown that her name appears upon the Seminole Roll which was approved by the Department April 2, 1901.

The Department holds that the evidence taken prior to April 19, 1901, did not establish the fact that Liley, whose name appears on the Seminole Roll at No. 1651, was identical with Delilah McMullen the mother of said minor child. This holding of the Department is undoubtedly in accordance with the evidence adduced by the Commission, but the testimony taken on January 15, 1900, shows that the child was nine months old at that time, and also has a tendency to establish the right of Delilah McMullen to enrollment as a citizen of the

Seminole Nation. The Department, in said letter, also found that the Commission had not been informed of the existence of Herman L. McMullen "prior to the approval of the roll" (the Seminole Roll), while the testimony shows as above stated that the records in the possession of the Commission January 15, 1900, established the existence of said child.

The Seminole agreement, which was approved by Act of Congress June 2, 1900 (31 Stats., 250), specifically declares that the names of all children born to Seminole citizens up to and including the 31st day of December, 1899, and then living, shall be enrolled as citizens of the Seminole Nation. This child was in being on said date and the Commission was apprised of its existence by its own records. It is true that there is nothing in said case to show that the mother of said child or anyone else has applied for its enrollment as a citizen of the Seminole Nation, but this office believes that the government is bound to take cognizance of its own records, and that it was the duty of the Commission to ascertain whether said child was entitled to enrollment in any nation other than the Creek, and if so, to place its name upon the roll of the nation in which it found said minor child to be entitled to enrollment.

The advisability of the Department further considering this matter and directing the Commission not to promulgate Departmental decision of February 14, 1902, in this case, is respectfully suggested, and if the Department does not feel that it would be warranted in causing this child to be enrolled as a citizen of the Seminole Nation, it is respectfully suggested that the Commission to the Five Civilized Tribes be instructed to take further testimony in said case.

Very respectfully,  
Your obedient servant,  
W. A. JONES.  
Commissioner.

GAW  
D

(COPY)  
12557

L.R.S.  
I.T.D.1022  
& 1331-1902.

F.

Department of the Interior,  
Washington.

February 26, 1902.

Commission to the Five Civilized Tribes,  
Muskogee, I. T.

Gentlemen:

The Department is in receipt of a letter from the Commissioner of Indian Affairs of February 24, 1902, in regard to the application of Delilah McMullen, as citizens of the Creek Nation, acknowledging receipt of departmental letter of February 14, 1902, relative thereto.

February 10, 1902, the Indian Office recommended that you be instructed to enroll said minor child as a citizen of the Seminole Nation, it appearing from the testimony in the present case that his mother is a Seminole, her name appearing as "Liley" upon the Seminole roll approved by the Department April 2, 1901, in which recommendation the Department did not concur.

The Commissioner calls attention to the fact that while the Department in said letter found that the Commission had not been informed of the existence of Herman I. McMullen prior to the approval of the Seminole roll the testimony in connection with the present application shows that the records in the possession of the Commission January 15, 1900, established the existence of said child.

It will be observed that at that date the act of June 2, 1900 (31 Stat., 250), ratifying the Seminole agreement, had not been passed.

The Department merely meant that the Commission had not been advised of the child's existence in connection with any claim to Seminole citizenship of the mother.

Referring to said Seminole agreement (act of June 2, 1900), which declares that the names of all children born to Seminole citizens up to and including the 31st day of December, 1899, and then living, shall be enrolled as citizens of the Seminole Nation, the Commissioner states that, as this child was in being on said date and the Commission was apprised of its existence by its own records, and as the Government is bound to take cognizance of its own records, it was the duty of the Commission to ascertain whether the said child was entitled to enrollment in any nation other than the Creek, and, if so, to place his name upon the roll of the nation in which it found said minor child entitled to enrollment, and he suggests the advisability of the Department further considering this matter and directing you not to promulgate said decision of February 14, 1902.

"As the law provides that the roll of the Seminole Nation prepared by you, when approved by the Department, shall constitute the final roll upon which the allotment of lands and the distribution of money and other property belonging to the Seminole Indians shall be made, the Department does not consider that, having approved the roll, it is now authorized to direct you to place the name of any one on such roll under the circumstances presented in this case." Copy of Commissioner's letter is inclosed.

Respectfully,

THOS. RYAN.  
Acting Secretary.

EMD.

1 inclosure.



COMMISSIONERS  
HENRY L. DAWES.  
TAMM DIXIEY.  
THOMAS B. NEEDLES.  
C. R. BRACKINRIDGE.  
ALLISON L. AYLESWORTH,  
SECRETARY

DEPARTMENT OF THE INTERIOR.  
COMMISSION TO THE FIVE CIVILIZED TRIBES.  
(COPY)

REFER IN REPLY TO THE FOLLOWING

ADDRESS ONLY THE  
COMMISSION TO THE FIVE CIVILIZED TRIBES

Muskogee, Ind.Ter., April 4, 1902.

Delilah McMullen,

Chasctah, Ind.Ter.

Dear Madam:

You are hereby advised that the Secretary of the Interior, under date of February 14, 1902, affirmed the decision of the Commission, dated May 11, 1901, denying the application for the enrollment of yourself and your minor child, Harmon L. McMullen, as citizens of the Creek Nation.

Yours truly,

C. R. BRACKINRIDGE.  
Commissioner in Charge.

Creek-48.

GCH.

COMMISSIONERS  
HENRY L. DAWES.  
TAMM DIXBY.  
THOMAS B. NEEDLES.  
C. R. BRECKINRIDGE.

ALLISON L. AYLESWORTH.  
SECRETARY

DEPARTMENT OF THE INTERIOR.  
COMMISSION TO THE FIVE CIVILIZED TRIBES.  
(COPY)

REFER IN REPLY TO THE FOLLOWING

ADDRESS ONLY THE  
COMMISSION TO THE FIVE CIVILIZED TRIBES

Muskogee, Ind.Ter., April 4, 1902.

Messrs. Givens & Jackson,  
Attorneys for Delilah McMullen,  
Muskogee, Indian Territory.

Gentlemen:

You are hereby advised that the Secretary of the Interior, under date of February 14, 1902, affirmed the decision of the Commission, dated May 11, 1901, denying the application of Delilah McMullen for the enrollment of herself and her minor child, Herman L. McMullen, as citizens of the Creek Nation.

Yours truly,

C. R. BRECKINRIDGE.  
Commissioner in Charge.

Creek-43.

OCH.

COMMISSIONERS  
HENRY L. DAWES.  
TAMM BIRNEY.  
THOMAS B. NEEDLES.  
C. R. BRACKINRIDGE.

ALLISON L. AYLESWORTH.  
SECRETARY

DEPARTMENT OF THE INTERIOR.  
COMMISSION TO THE FIVE CIVILIZED TRIBES.

(COPY)

REFER IN REPLY TO THE FOLLOWING

ADDRESS ONLY THE  
COMMISSION TO THE FIVE CIVILIZED TRIBES

Muskogee, Ind.Ter., April 4, 1902.

A. P. McKelley, Esq.,

H. C. Reed, Esq.,

Attorneys for the Creek Nation,

Muskogee, Indian Territory.

Gentlemen:

You are hereby advised that the Secretary of the Interior, under date of February 14, 1902, affirmed the decision of the Commission, dated May 11, 1901, denying the application of Delilah McMullen for the enrollment of herself and her minor child, Herman L. McMullen, as citizens of the Creek Nation.

Yours truly,

C. R. BRACKINRIDGE.  
Commissioner in Charge.

Creek-43.

OCH.

DEPARTMENT OF THE INTERIOR  
COMMISSION TO THE FIVE CIVILIZED TRIBES.  
Muskogee, Indian Territory, April 19th, 1901.

In the matter of the application of Delilah McMullin and Herman Lee McMullin for enrollment as citizens of the Creek Nation.

W. E. GENTRY, being duly sworn, testified as follows:

(Examination by the Commission().

- Q What is your name? A W. E. Gentry.  
Q What is your age? A 59.  
Q What is your post office address? A Checotah.  
Q Are you acquainted with Delilah McMullin? A Yes sir, one Delilah.  
Q What was her maiden name? A Delilah Carr.  
Q Do you know whether she is a citizen of the Creek Nation?  
A That's my understanding.  
Q How did she become a citizen of the Creek Nation, -- if you know? A By being transferred from the Seminole Nation to the Creek.  
Q In what year was that? A Its been some good while ago, I don't remember the date, --- it was when Alex Posey was superintendant.  
Q Of what school? A The Orphan school, and George Stidham of the Bufaula High School.  
Q On what roll did you have her name placed on when you had her enrolled? A On the Creek roll.  
Q Did she ever draw any money in the Creek Nation? A Yes sir, in the \$14.40 payment.  
Q Do you know whether or not she drew the \$14.40 in the regular payment or in the Omitted payment? A I don't know, --- I don't remember, but I do remember getting the money for her.  
Q What was her name then? What did she go by? A Delilah Carr.  
Q Do you know what name she was carried on the Seminole roll before she was transferred? A Delilah Carr, I received money for her from the Seminole chief and received it as Delilah Carr from Thomas Little.  
Q Who was Thomas Little? A Thomas Little was a Seminole, who was a band chief.  
Q Delilah belong to his band in the Seminole Nation?  
A Yes sir.  
Q Was she admitted by an act of Council in the Creek Nation?  
A I didn't understand it that way, --- I don't think she was.  
Q Who placed her name on the Creek roll? A Lets see, --- I think it was Willie Terblance.  
Q What position did he hold at that time, if any? A He was king and belonged to the Upper House.  
Q In the Creek Nation? A Yes sir.  
Q Did Delilah Carr have any brothers and sisters that you know of? A She had a brother who lived up there by me, but I disremember his name, but he is dead.  
Q Did he die before or after she was transferred? A I don't know, I don't say about that.  
Q Do you remember his name if your memory is refreshed?  
A I think his name was Albert Carr, -- I think now, as well as I remember, and her father was named Washington Carr, I wouldn't be positive about his name but I would be about her father.

#2 Delilah Nowellin.

- Q Do you think Albert was living about the time Delilah was transferred to the Creek Nation? A I don't remember about that, he may have been,-- I can't remember whether he was living or not, he was living up west, and I had nothing to do with him,-- this girl lived with him when she was about 9 or 10 years old.

(By the Commission).

See Seminole tribal roll for the year 1895, page 21, on which appears the name of Albert and Wiley following the name of Tapley, and Seminole tribal roll of 1897, page 190, on which appears the name of Wiley following the name of Tapley.

- Q Do you know anybody by the name of Tapley? A Yes sir.  
Q You will state who he was? A I disremember now, but I think they were brothers and sisters, I had forgotten Tapley I was personally acquainted with Tapley.  
Q Do you know Tapley's mother, who she was? A No sir.  
Q Was Tapley a citizen of the Creek Nation? A That was my understanding, he's always been here, was raised here. He lived 12 miles from me, and that was my understanding, he never lived in the Seminole Nation and I know that.  
Q Do you know a family of whom Betsey Powell was the head?  
A No sir.  
Q Do you know any relatives of Tapley? by the name of Perry, John? A No sir.  
Q Do you know whether or not it was before or after the Colbert Citizenship Commission was in session that Delilah Carr was supposed to have been admitted transferred to the Creek Nation? A I don't remember, it was a case that didn't go before them.  
Q Do you know whether or not any money has been drawn in the Seminole Nation for Delilah Carr within the past 3 or 4 years? A Not that I know of, I am satisfied there has'nt.

(By Mr. Jackson, Attorney for applicant).

- Q What did you do to have her transferred to the Creek Nation?  
A Well, I met Thomas Little in Okmulgee and then I asked him him to excuse her from that roll, who transferred her from that roll and I had her put on the Creek roll. I could'nt send her to school here and I wanted to send her to school in the Creek Nation, and asked him if he could'nt grant me this and he did so, and I put her on the Hitchitee roll and sent her to the Eufaula High School.

- Q Was it customary to do this? A That was my understanding.

(By Mr. McKellop, Attorney for the Creek Nation).

- Q Did Delilah Carr live with you from the time she was married? A She was the time up to the time, a short while before she was married. She was at Mrs. Coffee's when she was married.  
Q How long from the time she lived at your home until she was married? A A very short time, only a few months.  
Q How long is it since she was married? A I guess its about three years.  
Three years? A About that time, may be four, I can't remember.  
Q How many payments did you receive for her from the Seminole Nation? A I disremember that. I received payments until about 7 or 8 years ago, and after she was transferred I didn't receive any more, and after I got her in school I never did receive any more.

#3. Delilah McMullin.

- Q This transfer that you speak of was made by you and Thomas Little of the Seminole Nation? A Yes sir, just an agreement as I understood he was to take her off of his roll and I was to have her put on the Creek roll,-- Hitchite.
- Q You didn't receive any certificate from the chief of the Seminole Nation stating that the name had been erased from the Seminole roll, and Council didn't take any action in the matter? A There was nobody that knew anything about it. Willie Lerblance may have known something about it, he taken business in the transaction up there and when Thomas Little transferred her from the Seminole Nation he knows that the Hitchitees received her.
- Q This transfer that you speak of was done at Okmulgee?
- A Yes sir, at Okmulgee.  
(By the Commission).
- Q Did you receive any money from the Seminole Nation for Delilah Carr after you drew the \$14.40 from the Nation?
- A No sir.

See Seminole Card, Field number 486, and Dawes Commission Seminole roll number 1651.

Lona Cummings having been first duly sworn, upon her oath states that as stenographer to the Commission to the Five Civilized Tribes, she reported in full all proceedings had in the above entitled cause on the 18th day of April, A.D., 1901, and that the above and foregoing is a full, true and correct transcript of her stenographic notes of said proceedings on said date.

Lona Cummings

Subscribed and sworn to before  
me at Muskogee, Indian Territory,  
this 26 day of April, A.D., 1901.

  
\_\_\_\_\_  
Acting Chairman.



(COPY)

Refer in reply to the following:

Land.  
4005 - 1902.

DEPARTMENT OF THE INTERIOR, C.F.L.  
OFFICE OF INDIAN AFFAIRS,  
Washington, January 25, 1902.

The Commission to the  
Five Civilized Tribes,  
Muskogee, Indian Territory.

Gentlemen:

Referring to your report of January 15, 1902, transmitting the record in the matter of the application of Delilah McMullen for the enrollment of herself and her minor child, Herman L. McMullen as citizens of the Creek Nation, you are advised that following the testimony taken by you on April 19, 1901, the following appears: "See Seminole Roll, Field Number 498, and Dawes Commission Seminole Roll Number 1651". Opposite No. 1651 on the Seminole Roll the following appears "Liley, age 50, sex, F, blood, 1/2."

You are respectfully requested to advise this office what, if any connection, said entry has with the record in this case.

Very respectfully,

W. A. Jones,  
Commissioner.  
N.C.T.

GAW  
D

COMMISSIONERS  
HENRY L. DAWES.  
TAMM BIXBY.  
THOMAS B. NEEDLES.  
C. R. BRICKNIDGE.

ALLISON L. AYLESWORTH,  
SECRETARY.

DEPARTMENT OF THE INTERIOR.  
COMMISSION TO THE FIVE CIVILIZED TRIBES.

ADDRESS ONLY THE  
COMMISSION TO THE FIVE CIVILIZED TRIBES

Muskogee, Indian Territory, February 3, 1902.

The Commissioner  
of Indian Affairs.

Sir:

Receipt is hereby acknowledged of office letter of January 25, 1902, (Land 4005-1902), with reference to the record in the matter of the application of Delilah McMullen for the enrollment of herself and her minor child, Herman L. McMullen, as citizens of the Creek Nation and calling attention to the fact that following the testimony taken on April 19, 1901, there appears the following: "See Seminole Roll, Field No. 498, and Dawes Commission Seminole Roll No. 1651". Attention is also called to the fact that opposite No. 1651 on the Seminole Roll the following appears: "Liley, age 30, sex, F, blood, 1/2". The Commission is requested to report as to what, if any connection, said entry has with the record in said case.

The Commission has the honor to report that in August, 1898, Thomas Little, Band Chief of Seminole citizens, personally furnished information in the matter of the enrollment of one Liley, a member of his band; Band Chiefs of the nation being authorized by act of their council to appear for and represent members of their respective bands who neglected or failed to appear

before the Commission for enrollment. The Commission was unable to obtain from him or from other officials of the nation any surname by which the said Liley was known to them. It being satisfactorily shown, however, that said party was living and was a duly recognized and enrolled citizen of the nation, her name was listed for enrollment on Seminole Census Card No. 498.

The Seminole Roll was approved by the Secretary of the Interior April 8, 1901, and it did not develop that the said Liley was identical with Delilah McMullen, an applicant for enrollment as a Creek citizen, until the testimony was taken in the latter case on April 19, 1901. The only explanation that can be made as to the variance in age given on Seminole Roll and that stated by Delilah McMullen in her testimony in support of her Creek application is, that the interpreter misinterpreted the statement of Thomas Little as to the age of said Liley, and announced fifty instead of twenty as the answer of said Little to the question regarding her age in 1898.

There is hereto attached the testimony of W. W. McMullen taken at Wewoka, I. T., September 30, 1901, "in the matter of the application of W. W. McMullen to take an allotment of land in the Seminole Nation for his wife, Liley McMullen (nee Liley)".

Respectfully,

Acting Chairman.

(COPY)

DEPARTMENT OF THE INTERIOR.  
COMMISSION TO THE FIVE CIVILIZED TRIBES.  
SEMINOLE ALLOTMENT OFFICE.  
WEWOKA, I. T. September 30th, 1901.

IN THE MATTER OF THE APPLICATION OF W.W.McMullen to take an allotment of land in the Seminole Nation for his wife, Liley McMullen (nee Liley) accompanied by a proper description of the land applied for, the name of said party being found upon the Seminole Roll approved by the Secretary of the Interior, April 2nd, 1901 at Number 1651.

W.W.McMullen being firstly duly sworn testified as follows:

BY THE COMMISSION:

- Q What is your name? A W. W.McMullen.  
Q What is your post-office address? A Checotah, I.T.  
Q Are you a citizen of the Seminole Nation? A No sir.  
Q Are you married? A Yes sir.  
Q Is your wife a citizen of the Seminole Nation? A Yes sir.  
Q What band does she belong to? A Thomas Little.  
Q Have you ever before this time made application to this Commission for your wife to file on any land either in the Seminole Nation or in any other Indian Nation? A She made application to the Creek Nation to file on land, but it was found out that her name was on the Seminole Roll, her Mother being a citizen of the Seminole Nation.  
Q Have you ever before this time made application to this Commission for your wife to be enrolled as a citizen of and other Indian Nation? A Yes she made application prior to this to the Creek Nation to be enrolled, but it was found out that her name was on the Seminole Roll.  
Q Is your wife, Liley McMullen now living? A Yes sir.  
Q Does she live with you? A Yes sir.  
Q How do you represent your wife? A By Power of attorney.  
Q Does she own a home of her own in the Seminole Nation? A No sir.  
Q Is she in actual possession of the land named in this application? A No sir.  
Q You make application for your wife for the S 1/2 of N.E 1/4 and the NE 1/4 of NE 1/4 of Sec. 7, T 10, R 7, containing 120 acres, is that correct? A Yes sir.  
Q Are there any improvements on this land? A No sir.  
Q Does any one else claim this land or any part of it? A No sir.  
Q Has any one else any improvements on this land? A No sir.  
Q Have you been over this land and examined it with a view of making this application for it? A Yes sir.  
Q Is it prairie or timber land? A It is part prairie and part timber.  
Q Will you accept this land for your wife as her final allotment in the Seminole Nation? A Yes sir.

W. W. McMullen

Subscribed and sworn to before me this the 30th day of September, 1901 at Wewoka, Indian Territory.

Geo. C. Crump.  
Notary Public.

(Seal)

W. H. Miller  
enclosed con 198  
Chickadee N B 15'

Thine

Enclosed in care  
Nat. Hist. B.

Adrian N. B.

Prayer for the  
Circumlocution, well  
known to all  
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DEPARTMENT OF THE INTERIOR,  
COMMISSION TO THE FIVE CIVILIZED TRIBES,  
MUSKOGEE LAND OFFICE, November 27, 1899.

In the Matter of the Application of :  
Addie M. Sheppard, her husband and her :  
daughter Mary, to be enrolled as a :  
citizen of the Creek Nation. :  
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Kelsey H. Shepard being first duly sworn by Acting Chairman Bixby, testified as follows:

By Mr. Bixby:

- Q Are you the husband of Addie M. Sheppard? A Yes sir.  
Q You are a United States citizen? A Yes sir.  
Q Do you know anything about her nativity? A Only what she says.  
Q You didn't know her father or mother, who they were? A Her father was V. R. McNally, and her mother was Susan James.  
Q Was she an Indian? A Yes, Choctaw or Chickasaw, or something.  
Q Do you know whether she was a Choctaw or Chickasaw? A No sir.  
Q As a matter of fact, you know nothing about your wife's citizenship except what she says? A No sir.

Sam Grayson, being first duly sworn by Acting Chairman Bixby, testified as follows:

- Q Are you a citizen of the Creek Nation? A I believe I am.  
Q How old are you? A Fifty-two years about; my age was never registered.  
Q How long have you lived in the Creek Nation? A About that many years I guess.  
Q Do you know Addie M. Sheppard? A Yes sir.  
Q How long have you known her? A From her infancy.  
Q Did you know her father? A Yes sir.  
Q What was his name? A Valentine Newton McNally.  
Q Was he an Indian? A Yes, as much as I am.  
Q What town did he belong to? A Kitchapartakee.  
Q His citizenship was never questioned? A No.  
Q Did you know her mother? A Yes sir.  
Q What was her name? A Susan ed Sakoy James.  
Q Was she an Indian? A Yes sir.  
Q What kind? A She was a Chickasaw Indian.  
Q Do you know whether she was ever on the Chickasaw rolls? A I suppose she was; I couldn't tell; it was long before I ever knew anything about rolls.  
Q How long has she been dead? A I can't tell you as to dates; I am not up in dates and never was.  
Q Do you know whether Addie M. Sheppard was ever on the Chickasaw rolls? A No, I don't.  
Q She may be there at present for all you know? A Yes, so far as that is concerned she may be; however, I think not.  
Q Did anyone ever question Addie M. Sheppard's citizenship as a Creek?  
A Not that I heard, no.

Kelsey H. Shepard Recalled.

- Q Do you know when her mother died? A No, I don't; I guess it is about 15 years.  
Q Do you know whether Addie M. Sheppard is on the Chickasaw rolls?  
A Not as I know of.  
Q Do you know of her ever drawing any Chickasaw money? A No.  
Q How long have you known her? A I have known her only a little over two years.  
Q What is her town? A Brushhill, Ind. Ter.  
Q Is she able to travel? A She is not past traveling, but she is not feeling right well.



DEPARTMENT OF THE INTERIOR,  
COMMISSION TO THE FIVE CIVILIZED TRIBES.  
MUSKOGEE LAND OFFICE, JULY 28th, 1900.

In the matter of the application of Addie M. Shepherd and her two children, Maud and Oscar Lee Shepherd, for enrollment as citizens of the Creek Nation.

R. J. MILLER, being ~~sworn~~ duly sworn, testified as follows:

(By the Commission)

What is your name? A R. J. Miller.

Q What is your age? A I will be 39 years old my next birth day, in December.

Q What is your post office address? A Rufaula.

Q You are a recognized citizen of the Creek Nation, are you not?

A Yes sir.

Q Do you know the applicant for citizenship, Addie M. Shepherd?

A Yes sir.

Q Has she ever been recognized by the tribal authorities of the Creek Nation as a citizen thereof? A She always has been.

Q Has she ever been enrolled by the Creek tribal authorities of the Creek Nation as a citizen thereof? A She always has been.

Q Has she ever been enrolled by the Creek tribal authorities as a citizen of the Creek Nation? A Yes sir.

Q Does her name appear upon the tribal rolls of the Creek Nation?

A It appears on all the rolls ever taken in all payments; she drew.

Q In what Creek town is Addie M. Shepherd enrolled?

A In Katchepataka, on Deep Fork.

The authenticated 1895 roll of Katchepataka town being examined, the name of Addie M. Shepherd was not found thereon.

Q Who is the father of Addie M. Shepherd? A V H McNally.

Q Is he now living? A No sir, he is dead.

Q During his life time was he a citizen of the Creek Nation?

A Yes sir.

Q His name was upon the tribal rolls of the Creek Nation was it not?

A Yes sir.

Q He was always recognized by the tribal authorities of the Creek Nation, as a citizen thereof.

A Yes sir, he was always recognized as a citizen of the Creek Nation.

Q His name appears on the tribal rolls of the Creek Nation?

A It should appear there.

Q Who is the mother of Addie M. Shepherd?

A I really don't know what her maiden name was; she married during the war; Sookey or Susan James.

Q She was a citizen of the Chickasaw Nation was she not? A

A Chickasaw or Choctaw; I am not certain. I couldn't tell you much about that.

Q Before the marriage of Addie M. Shepherd, her name was Addie McNally? A Yes sir.

The 1895 pay roll of Katchepataka town examined and the name of Addie McNally found thereon.

Q Have you ever held any official position in the Creek Nation?

A No sir.

(By R. Brooks, attorney for applicant)

Q Mr. Miller, what relation are you to Addie M. Shepherd?



A First cousin.

Q How long have you known her? A I have known her all her life.

Q What town did she belong to? A Ketchepataka.

Q Do you remember when her name was placed on that roll?

A No, I don't remember the exact date; I couldn't tell you what year.

Q Was her name placed on that roll prior to 1893? A Yes sir.

Q About what year, Mr. Miller, do you remember?

A Well sir, I can't tell you; it was the year we drew the \$4 a head; she drew then, and I taken her to raise when she was only 4 or 5 years old.

Q Her name was placed on that roll long prior to 1893? A Yes sir.

Q Are you sure that she drew in several payments prior to 1893?

A Yes sir.

Q Did you draw for her in her name? A Yes sir, drew every payment.

Q You were authorized to do that? A I had her with my own children excepting one payment; I don't think I was at Okmulgee at the time; her father drew, and gave me the \$20. or \$10.

Q In regard to these rolls; were they ever misplaced or names eliminated? A Not that I know of.

Q Her name was always on the roll when you went to draw money?

A Ought to have been.

Q Her name was placed on the roll as Addie M. McNally

A Her name was Addie; the M wasn't added; it was added after she went to school.

Q Were you acquainted with James H. McNally? A Yes sir.

Q He was her father? A Yes sir.

Q He was a Creek citizen was he? A Yes sir.

Q By blood? A By blood.

(By the Commission)

Q Did you draw the \$20 for Addie McNally when the payment was made in 1893? A The last payment, I drew for her; I didn't keep any account; her father drew one payment; I was at Okmulgee and left he drew her \$20 and gave to me; but all the other payments I drew, excepting that.

Q How do you account for the fact that her name does not appear on the 1890 roll--the name of Addie McNally. A I don't know; it should be there; because she drew in all payments.

(Mr. Brooks)

Q Mr. Miller, you stated you had known Mrs. Shepherd all her life. Was she always exercised and enjoyed all the rights privileges and immunities of a Creek citizen? A Always has.

Q And always been recognized as a Creek citizen by the tribal authorities? A Always has.

Q Did you place her name on the 1890 Ketchepataka roll?

A She was registered and placed on every roll.

Q Did you register her name? A Yes sir, taken her name whenever I taken mine.

Q Do you remember whether you placed her name on the roll as Lucy or Addie. A Never did as Lucy; there is no Lucy McNally that I know of unless they made a mistake in her name.

(By the Commission)

Q Did you ever know any person belonging to the Ketchepataka town by the name of Lucy McNally? A No sir, I didn't.

Q Has Addie M. Shepherd any brothers and sisters? A She had one brother, that is full brother; she has two half sisters and one half brother; she has one full brother.

Q She has no full sister? A No sir.

Q Are these two half sisters citizens of the Creek Nation? A Yes sir.

Q What are their names?

A Tassie, Sam, and Susie McNally.

45.

- Q How long has Addie M. Shepherd resided in the Creek Nation?  
A She has been in the Creek Nation, ever since she was about 4 years old.  
Q About how old is she now? A I really don't know; she is 18 or 20 years old; 18 or 19 somewhere along there.

SAM GRAYSON, being sworn by G.L.V. Emerson, a Notary Public, testified as follows:

(By Mr. Brooks)

- Q Where do you reside? A At Muskogee.  
Q Are you a citizen of the Creek or Muskogee Nation? A I am.  
Q How long have you resided in the Creek or Muskogee Nation?  
A I don't know exactly, 50 odd years.  
Q You are acquainted with Addie M. Shepherd? A I am.  
Q Whow was her father? A V.N. McNally.  
Q Was he a Creek citizen? A He was.  
Q He, together with his family, enjoyed all the privileges, rights and immunities of Creek citizenship? A Yes sir.  
Q Their citizenship was never questioned? A Not that I heard of.  
Q To what township did McNally belong? A He belonged to Ketchapataka or Hillabee; they are synonymous.  
Q Do you know whether or not his name was placed on the 1890 roll?  
A I suppose it was.  
Q Have you ever held any official position in the Creek Nation?  
A Yes sir.  
Q What was it? A I have been Secretary of the Senate and house, and Treasurer.  
Q Have you ever heard her citizenship questioned? A No sir.  
Q Do you know anything about her having drawn anything in this payment? A Yes sir.  
Q Do you know whether or not she drew in the 1895 payment?  
A Yes sir.  
Q Do you know whether or not she drew in the payment prior to that time? A Yes, she drew, because the money was turned over to me, and I gave it to Mr. Miller for her; her father drew it, and Miller had charge of the child and he gave the money to me after he drew it, and I brought it to him.  
Q You were then in the mercantile business, and the money passed through your hands there? A Yes sir, I was there collecting, and he just turned it over to me with a request that I turn it over to him.  
Q That was prior to 1895? A Yes sir.  
Q Do you remember what payment that was? A It was the payment prior to the 1895 payment; it was when the \$29.10 was paid.  
Q Mrs. Shepherd or Mrs. Addie McNally drew in that payment?  
A Yes sir, or at least her father drew the money and gave to me to turn over to him; that is all I know about it.  
(By The Commission)  
Q Do you know the McNally family well? A Yes sir.  
Q How long have you known them? A All my life. McNally was a first cousin of mine.  
Q Did you ever know any person in that family by the name of Lucy?  
A No sir, there never was in that family, anyone by that name; Creek citizen is what I have reference to.  
Q Do you know whether there was any kin of that family that was known by the name of Lucy? A No sir, I don't.

- Q What was the custom in making up the rolls?
- A It used to be done by members of the Council of each town; they made out their rolls, and frequently when persons were removed from their homes; they knew there were certain persons, and they gave men's names to a child where it was a girl, and vice versa; if it was a girl and if they didn't know personally the name they gave it such a name, and that may possibly have occurred; I know that to be a fact.
- Q Was it customary to obligate the heads of each family to appear before some authority before their names were placed upon the roll?
- A No, they knew from somebody else, and they knew all their people very nearly.
- Q The rolls then were made up by the members of Council?
- A Members of the council; they had their rolls; and whenever anyone died, they erased them. And whenever anyone was born, they put him on, and they knew pretty nearly who belonged to their town; but frequently when children was born, it may have been a girl, and they didn't know exactly, and gave it a boy's name.
- Q You are not surprised that mistakes would be made in placing names upon the roll? A No sir, that is perfectly natural.
- Q Is it your opinion, Mr. Grayson, that there was a mistake in placing the name of Lucy McNally? A I constitutionally believe there was.

The authenticated 1890 roll of Ketchepataka town examined, and the name of Lucy McNally found thereon on page 136.

- Q Is there any additional statement in regard to this application that you desire to make? A No sir, that is about all, about all anybody knows about it. I think I am pretty nearly knowing as much about it as anybody.

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GEORGE W. TIGER, being sworn and examined testified as follows:

(By Mr. Brooks)

- Q Have you ever held any official position in the Creek Nation?
- A I was first elected a member of the house of Kings.
- Q Did you ever hold any position? A When that time expired, I was elected in the other house, house of Warriors.
- Q Do you know Mrs. Addie M. Shepherd, used to be Miss Addie McNally?
- A Yes sir.
- Q Did you know her father? A Yes sir.
- Q Did you know her father? A His name was V.F. McNally, a Creek man.
- Q To what town did she and her father belong? A Kechepataka town; that is the town I was elected in the house of Kings, and warriors both.
- Q You say you were town king of Hillabee town? A Kechepataka Hillabee town.
- Q Do you know when the payment of \$25 to the Creek Indians were made? A Yes sir, I was town King, at the time.
- Q Do you know anything about how the rolls were made, up at that time; if so, state to the Commission how it was, in as brief way as possible.
- A Yes sir, now there was going to be a payment and they instructed all the town kings and the warriors together to take a census of each town and presented it to Council and Council appointed a committee to investigate the rolls made by the town kings and warriors, and submitted to the National Council, and it was approved.



And after it was approved, the payment went on, but they wet to work, and Lemm Perryman was Chief at that time, and after these rolls were made up by hand-writing and they sent them rolls down to the Phoenix Printing Company and had them printed, and in printing the town rolls, they left many names out, and the paymaster had these already printed, the first approved rolls by council, we had that the town kings, when he was paying, the names not on these printed rolls, there was a question how came that; we had a talk to take up under the written one, and seen it was all right and paid it off. These printed copies I called your attention to never was placed before council to be approved; the hand-written one council approved, and the copy never was approved, so there was no getting around it; we had these hand-written ones, and he paid accordingly; that was the \$29 payment where I am speaking about.

Q You were town king of the Kachepataka town? A Yes sir, I was town king.

Q Go ahead and tell the court what became of that roll.

A Well, this payment was done some time in the in the month of January, it was in the winter time and very cold. I can recollect well; my time ran out.

Q Your time had expired. A Expired, and my brother was elected in my place.

Q What was your brother's name? A John Tiger and he finished the parties that didn't come off; he was there and saw the parties draw their money, and went home and carried all these rolls back, the hand-written ones.

Q The original copy? A The original copy he carried home; he lived east of Pufallia 4 miles. The house caught fire and burned everything he had and I reckon the \$29 payment roll got burned.

Q Do you remember Mr. McNally coming to your headquarters or in other words coming to where this payment was taking place. A Yes sir.

Q Did you have any conversation with him? A Yes sir.

Q What was it, please, in regard to this payment?

A I held a little office up stairs at the Ormulgee hotel; he came to me with a little piece of paper like this with a led pencil with names on it, and handed it to me to enroll his family, so I went to work and enrolled all; that was making this \$29 payment; I saw all the writing that was done; I done all the writing that was done; there was nothing set aside for clerkship.

Q Did he say anything about having all his family on? A I asked him, have you got your family's name all on; he said yes. I wrote them down; there was no squabble when he drew the money; he came in the paymaster's office.

(By the Commission)

(By the Commission)

Q Do you remember how many persons he drew for? A No sir, it is so long, that part I forgot.

Q You don't recollect the names of any of the parties he drew for?

A No sir, I don't; I know he has got a lot of children.

Q Do you know Addie M. Shepherd?; her name was McNally? A Yes sir, I know her.

Q Has she always been regarded as a citizen of the Creek Nation?

A That is all I know about it; that is the way I had it recorded, as a creek citizen; I never knowed anything else.

Q Do you know whether or not her name was put on the 1890 creek roll of Kachepataka town?



A. Well, it is so long, I might be mistaken. I might say yes, I am a white man and I am a white man. I have got a white man and I have got a white man. What is the question asked? The question asked is: Was he a white man or a black man? I was, he is a white man.

Q. In regard to the name Mr. Tiger, you said it is his name, or not there is any difference in the English and Creek pronunciation or admit? A. The Greek being not as good for as the.

Q. What is it? A. Well, it is little.

Q. Then his and his family were always recognized as Creek citizens? A. Yes sir, the best citizens we had in that country.

P. Hastain, being duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes, he reported the foregoing case, and that the above is a true, full and correct transcript of his stenographic notes taken in said cause.

Sworn to and subscribed in my presence, this 10th day of August, 1900 at Muskogee, Indian Territory.

Acting Chairman.

DEPARTMENT OF THE INTERIOR  
COMMISSION TO THE FIVE CIVILIZED TRIBES.  
MUSKOGEE, I. T. DECEMBER 1st, 1900.

In the matter of the application of Addie M. Shepherd for the enrollment of herself and her two minor children, Maud and Oscar Lee Shepherd as citizens of the Creek Nation, Thomas J. Adams, being duly sworn by G. L. V. Emerson, testifies as follows:

By the commission.

- Q What is your name? A Thomas J. Adams.  
Q What is your age? A 62.  
Q What is your post office address? A Okmulgee.  
Q Are you a recognized citizen of the Creek Nation? A I do.  
Q How long have you resided in the Creek Nation? A Was born and raised here.  
Q You have lived in the Creek Nation all your life? A Yes sir.  
Q Have you held any official position in the Creek Nation? A Yes sir.  
Q What official position have you held? A I have been a representative of the lower House of Warriors from 1866 up to Isparhecher's time, 1896, Chief Justice of the Creek Nation, and now am a member of the House of Kings in the Creek Nation.  
Q To what town in the Creek Nation do you belong? A Hillabee Ketchapataka.  
Q Have you an official position as a member of Council? A I do.  
Q Have you in your official position had anything to do with the preparing of the rolls of the Ketchapataka town? A No sir, I didn't.  
Q What officer prepares the rolls of an Indian town before it is submitted to Council? A The Town king.  
Q Were you ever a town king of the Ketchapataka town? A No sir.  
Q Do you know Addie M. Shepherd who makes application for the enrollment of herself and her two children as citizens of the Creek Nation? A I do.  
Q How long have you known Addie M. Shepherd? A Ever since she was a little child.  
Q Have you been personally acquainted with her? A Yes sir.  
Q Could you recognize her if you saw her on the streets? A Yes.  
Q Do you know her father? A I do.  
Q What is his name? A V. N. McNelly.  
Q How many children did he have? A I don't know.  
Q Are you positive Addie M. Shepherd is the daughter of V. N. McNelly? A Yes sir.  
Q Do you know the mother of Addie M. Shepherd? A Yes, I do.  
Q What is her name? A I can't give her name.  
Q Was she a Creek citizen or Chickasaw citizen? A Between.  
Q Was the mother of Addie M. Shepherd a recognized citizen of the Creek Nation? A Yes sir.  
Q Was her name on the Creek rolls? A Yes sir.  
Q Have you been intimately acquainted with the McNelly family? A Yes sir.  
Q McNelly had more than one wife, did he not? A Yes sir, he had two wives.  
Q Is it not a matter of fact the mother of Addie M. Shepherd was a Chickasaw and Choctaw by blood? A She was a Creek by blood.  
Q When did the mother of Addie M. Shepherd die? A I can't answer that question.  
Q About how long has she been dead? A She died before 1866.  
Q How many children did V. N. McNelly have by Addie M. Shepherd's mother? A As I said before, I don't know.  
Q Did V. N. McNelly have any child by the name of Lucy? A Yes sir.  
Q Is Lucy McNelly now living? A Yes sir.  
Q Where does she live? A I don't know, but I have been told that she lives at Brushhill.

#2. Thomas J. Adams.

Q Is she a sister of Addie M. McNelly? A She is the same person under two different names.

Q You state then under oath that the name of Lucy McNelly as it appears on the 1890 roll, was and is meant for Addie M. McNelly, nee Shepherd? A Yes sir.

Authenticated roll of 1890 of the Ketchapataka town examined and the name of Lucy McNelly was found thereon.

Q Lucy McNelly is now the wife of Kelsey M. Shepherd? A Yes sir.

Q You knew anything about the payment made to citizens of your town in 1890? A I do.

Q Do you know for how many persons McNelly drew money at that time? A I don't.

Q Do you know whether he drew any money for Lucy McNelly at that time? A Yes sir.

By Bok Brook, Attorney for applicant.

Q Mr. Adams, I ask you to examine this instrument known as the Creek Census Roll of the Ketchapataka Town in the Muskogee Nation, and also examine the certificate here and see whether or not that is your certificate, is that your name? A Yes sir.

Q Is this the Creek Census Roll of 1890? A Yes sir.

Q Was it the law at that time that the members of the House of Kings and also the members of the House of Warriors to certify the correctness of the rolls? A Yes sir.

Q Then was the rolls to be adopted by the Committee appointed from both Houses to investigate the correctness of the rolls? A Yes sir.

The roll offered in evidence and marked A and made a part of the record.

Q You say you were a member of the House of Kings when George Tiger made the rolls? A Yes sir.

Q Were you in the Lower House or the House of Warriors? A House of Kings.

Q Was it the duty of George Tiger to make this roll? A Yes sir.

Q Please call to mind some little instance which would bring McNelly and witness together? A McNelly was there at that time.

Q Was this in 1890? A Yes sir.

Q You say V. N. McNelly was at Okmulgee? A Yes sir.

Q To give the names to George Tiger, as chief or Town king to enroll these people, meaning McNelly? A Yes sir.

Q Do you remember distinctly the names of McNelly given then? A Yes sir.

Q Was Lucy McNelly the daughter of V. N. McNelly? A Yes sir.

Q You have known her from that time up to the present? A Yes sir.

Q Could you identify her? A Yes sir.

Q Have you seen her to-day? A Yes sir.

Q Did you identify her? A Yes sir.

Q Did you identify her Lucy M. McNelly? A I did.

Q Then you tell the Commission that Lucy McNelly as enrolled by V. N. McNelly in the year 1890 by George Tiger as Town king of the Ketchapataka Town, the one and the same ~~axoohu~~ are the parties identified by me to day as Mrs. Addie Shepherd? A This is the same party. (Mrs. Addie M. Shepherd, nee McNelly, appeared before the Commission in person and identified by witness as Lucy McNelly) By the Commission.

Q Mr. Adams do you identify Addie Shepherd as the same person whose ~~the~~ name appears on the 1890 rollof the Ketchapataka Town under the name of Lucy McNelly? A Yes sir.

Lona Cummings having been first duly sworn, upon her oath states that as stenographer to the Commission to the five Civilized Tribes, she reported in full all proceedings had in the above entitled cause on the 1st day of December, 1900, and that

#2. Thomas J. Adams

the above and foregoing is a full, true and correct transcript  
of her stenographic notes, of said proceedings on said date.

Subscribed and sworn to before me this

3

day of Dec

A. D., 1900.

Louis C. Cummings

Guy L. V. Emerson

Notary Public.



DEPARTMENT OF THE INTERIOR  
COMMISSION TO THE FIVE CIVILIZED TRIBES.  
MUSKOGEE, IND. TER. FEBRUARY 2nd, 1901.

In the matter of the application of Addie M. Shepherd  
for the enrollment of herself et al, as citizens of the Creek  
Nation.

Louis McGilbra being duly sworn, testified as follows:

Exk. E. Brook, for applicant.

APPEARANCES: A.P. McKellop, for Creek Nation.

Interpreter, James H. Lynch.

(By Mr. Brook)

- Q Where do you reside? A At Eufaula.
- Q Are you a citizen of the Creek Nation? A Yes sir.
- Q How old are you? A About forty years old.
- Q Are you acquainted with Addie M. Shepherd? A Yes sir.
- Q Are you acquainted with her husband, Kelsey Shepherd?
- A No sir.
- Q Did you know Addie M. Shepherd during her single life?
- A Yes sir.
- Q She is the daughter of whom? A V.N. McNally.
- Q How long have you known Addie M. Shepherd? A About 20 years.
- Q Is she a citizen of the Creek Nation? A Yes sir, on her father's side.
- Q About how long have you known her father? A About twenty five years.
- Q Did you know her mother? A No sir.
- Q Do you know how many times V.N. McNally has been married?
- A Yes sir.
- Q How many times? A Married three times.
- Q Do you know anything about the citizenship of Addie M. Shepherd's mother? A Yes sir.
- Q Was V.N. McNally a citizen of the Creek Nation? A Yes sir.
- Q Mr. McGilbra, I will ask you to state whether or not Addie M. Shepherd ever lived at your house or whether you worked for these people? A This Addie was living with her grandmother when I worked for them.
- Q Then you say you have known her for twenty years?
- A Yes sir.
- Q She has been right under your eyes, immediately under your knowledge for the last twenty years? A Yes sir.
- Q What was her name? A Lucy was her name, her real name was Lucy, they gave her the name of Addie at school.
- Q Do you remember the time she attended school at Eufaula High School at Eufaula? A She attended school during the time when Joe Perryman was Superintendant of the school.
- Q That was the first time you ever knew her to be called Addie? A Yes sir.
- Q Up to that time you have always known her as Lucy McNally?
- A Yes sir.
- Q What official position did you hold at the time when Joe Perryman was Principal of the Eufaula High School?
- A Trustee of that school.
- Q Have you heard whether or not Lucy has married in the last five or six years? A Yes sir.
- Q And to whom? A Mr. Kelsey Shepherd at Brushhill.
- Q Now I will ask you Mr. McGilbra whether or not Addie M. Shepherd, the applicant, is one and the same person as Lucy McNally with whom you are acquainted? A Yes sir, the same person under two different names.

#2. Addie M. Shepherd.

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- Q You knew her then from her infancy up? A Yes sir.  
Q Were you well acquainted with the family? A Yes sir.  
Q Have you known her always as a citizen of the Creek Nation?  
A Yes sir.

(By Mr. McKellop)

- Q How old was Addie when you first got acquainted with her?  
A I don't know her exact age, but she was about eight years old.  
Q Who was she living with at the time you got acquainted with her? A Her grandmother.  
Q Do you know whether or not her mother was a citizen of the Creek Nation? A They said she was part Choctaw and part Chickasaw, but I don't know, I never saw her mother.  
Q Do you know in what Nation Addie was born? A I don't know.  
Q Do you know of your own knowledge that Addie is the daughter of V.N. McNally? A Her grandmother said she was McNally's daughter, but I don't know.  
Q You don't know anything about Addie's history then prior to the time she was eight years old? A No sir.

(By Mr. Brook)

- Q Have you held any other official position in the Creek Nation besides a Trustee of the Eufaula High School?  
A I have held the position as lighthorseman, member of the House of Warriors and am a member of the House of Warriors at present?  
Q Mr. McGilbra, when you first became acquainted with the applicant, did she go by the name of Lucy? A Her grandmother never called her by any other name except Sissey.  
Q And her real name was Lucy? A Whenever her father went there he called her Lucy.  
Q Did you address her as Lucy yourself? A Yes sir.  
Q How long did you work there with these people? A I worked for her grandmother at different times for a number of years.  
Q Mr. McGilbra, you are acquainted with the way in which these rolls were made out before presenting it to Council, the town rolls? A Yes sir.  
Q Then when a child was born and the party presenting the name to the Town King, they usually gave a child some or any name for convenience, did they not? A Yes sir.

Lona Cummings having been first duly sworn, upon her oath states that as stenographer to the Commission to the Five Civilized Tribes, she reported in full all proceedings had in the above entitled cause on the 22nd day of February, 1901, and that the above and foregoing is a full, true and correct transcript of her stenographic notes, of said proceedings on said date.

*Lona Cummings*

Subscribed and sworn to before me this 5th day of February,  
A.D., 1901.

*Guy L. Emerson*  
Notary Public.



COMMISSIONERS:  
HENRY L. DAWES,  
TAMM SIXEY,  
THOMAS B. NEEDLES,  
C. R. BRACKINRIDGE.

ALLISON L. AYLWORTH,  
SECRETARY.

DEPARTMENT OF THE INTERIOR,  
COMMISSION TO THE FIVE CIVILIZED TRIBES.

(COPY)

ADDRESS ONLY THE  
COMMISSION TO THE FIVE CIVILIZED TRIBES.

Muskogee, Indian Territory, February 28, 1903.

Mrs. Addie M. Shepherd,

Brush Hill, Indian Territory.

Sir:

Enclosed herewith, you will find a decision rendered by the Commission in the matter of the application for the enrollment of yourself and your two minor children, Maude and Oscar Lee Shepherd, admitting you to citizenship.

Yours truly,

Acting Chairman.

(COPY)

Muskogee, Indian Territory, January 16, 1908.

The Honorable,

The Secretary of the Interior.

Sir:

There is herewith transmitted the record of proceedings in the matter of the application of Addie M. Shepherd for the enrollment of herself and children, Maud and Oscar Lee Shepherd, as citizens of the Creek Nation, including the decision of the Commission, dated February 27, 1901, enrolling said Addie M. Shepherd as a citizen of said nation, and providing for the enrollment of the said children, Maud and Oscar Lee Shepherd, upon presentation of proof of birth.

Respectfully,

T. B. Needles.

Commissioner in charge.

1 enclosure  
Creek 44.

Through the Commissioner  
of Indian Affairs.

( COPY )

Muskogee, Indian Territory, January 18, 1908.

Mr. Rex B. Brock,

Attorney for Addie M. Shepherd,  
Muskogee, Indian Territory.

Dear Sir:

There is herewith enclosed a copy of the decision of the Commission to the Five Civilized Tribes in the matter of the application for the enrollment of Addie M. Shepherd and her children, Maud and Oscar Lee Shepherd, as citizens of the Creek Nation.

The decision, with a copy of the proceedings had in the case, is this day transmitted to the Secretary of the Interior for his review and decision. The final decision of the Secretary will be made known to you as soon as the Commission is informed of the same.

Yours truly,

T. B. Neadles.  
Commissioner in charge.

1 enclosure NHB-121.  
Registered.

(COPY)

Muskogee, Indian Territory, January 16, 1903.

A. P. McKellop, Esq.,

M. G. Reed, Esq.,

Attorneys for Creek Nation,

Muskogee, Indian Territory.

Gentlemen:

There is herewith enclosed a copy of the decision of the Commission to the Five Civilized Tribes in the matter of the application for the enrollment of Adelle M. Shepherd and her children, Maud and Oscar Lee Shepherd, as citizens of the Creek Nation.

The decision, with a copy of the proceedings had in the case, is this day transmitted to the Secretary of the Interior for his review and decision. The final decision of the Secretary will be made known to you as soon as the Commission is informed of the same.

Yours truly,

T. B. Needles.

Commissioner in charge.

1 enclosure McK & R 181.  
Registered.

(COPY)

Refer in reply to the following:

Land.  
4005-1902.

Department of the Interior,  
Office of Indian Affairs,  
Washington, January 30, 1902.

The Honorable

The Secretary of the Interior.

Sir:

There is inclosed herewith a report dated January 16, 1902, from T. B. Needles, Esq., Commissioner in charge of the work of the Dawes Commission, transmitting for the Department's consideration the record in the matter of the application of Addie M. Shepherd for the enrollment of herself and children Maud and Oscar Lee Shepherd, as citizens of the Creek Nation.

From the record in this case it seems that the mother of Addie M. Shepherd was a Chickasaw and that her father was a Creek. It appears therefore that she had, under the provisions of the act of June 28, 1898, the right to elect in which nation she would be enrolled. The record also shows that the name of Addie M. McNally appears on the authenticated Creek Roll of 1890 as Lucy McNelly, and that her name appears on the 1895 pay-roll as Addie McNally.

It seems from the record that Lucy McNelly, Addie McNally and Addie M. Shepherd are one and the same person. This being true, and she having elected to be enrolled in the Creek Nation, the office believes that the Commission's decision relative to her enrollment should be approved, and that it should be approved

relative to the enrollment of her minor children Maud and Oscar Lee Shepherd upon condition that she satisfy the Department that said children were born subsequent to the date of the last authenticated roll of the Creek Nation.

Very respectfully,

Your obedient servant,

W. A. Jones,

Commissioner.

GAV  
D

Inclosures.



(COPY)

D.O.No.1854-1902.

7753.

Department of the Interior.  
Washington.

I.T.D. 649-1902.

February 1, 1902.

L.R.S.

Commission to the Five Civilized Tribes,

Muskogee, I. T.

Gentlemen:

January 30, 1902, the Commissioner of Indian Affairs transmitted the papers in the matter of the application for enrollment of Addie M. Shepherd and her minor children, Maud and Oscar Lee Shepherd, as citizens of the Creek Nation, and recommended that your decision in the case be approved.

In your decision of February 27, 1901, it is stated that the applicant is enrolled upon the 1890 and 1895 rolls of said nation; that there is no evidence in the case relating in any manner to Maud and Oscar Lee Shepherd; and that -

"It is, therefore, the opinion of this Commission that Addie M. Shepherd is a citizen by adoption of the Creek Nation; that she should be listed for enrollment as a citizen of the Creek Nation in accordance with the provisions of Section 21 of the Act of Congress approved June 28, 1898 (30 Stat., 495); and that the said children, Maud and Oscar Lee Shepherd, should be listed for enrollment as citizens of said Nation upon presentation of proof that they are the children of said Addie M. Shepherd, born to her subsequent to the date of the last authenticated Creek roll, and it is so ordered."

The Department affirms your decision in this case, and you will act accordingly. A copy of the Commissioner's letter is inclosed herewith.

Respectfully,

Thos. Ryan  
Acting Secretary E.M.D.

1 inclosure.

COMMISSIONERS  
HENRY L. DAWES,  
TAMM BIXBY,  
THOMAS B. NEEDLES,  
C. R. BRACKINRIDGE.

ALLISON L. AYLESWORTH,  
SECRETARY.

DEPARTMENT OF THE INTERIOR,  
COMMISSION TO THE FIVE CIVILIZED TRIBES.

ADDRESS ONLY THE  
COMMISSION TO THE FIVE CIVILIZED TRIBES

(COPY)

Muskogee, Indian Territory, February 11, 1902.

Addie M. Shepherd,  
Brushhill, Indian Territory.

Dear Madam:

You are hereby advised that the Secretary of the Interior, under date of February 1, 1902, affirmed the decision of the Commission, dated February 27, 1901, enrolling you as a citizen of the Creek Nation and providing for the enrollment of your children, Maud and Oscar Lee Shepherd, upon presentation of proof of birth.

Yours truly,

T.B.Needles.

Commissioner in charge.

COMMISSIONERS  
HENRY L. DAWES.  
TAMM BIXBY.  
THOMAS B. NEEDLES.  
C. R. BRECKINRIDGE.

ALLISON L. AYLESWORTH.  
SECRETARY.

DEPARTMENT OF THE INTERIOR,  
COMMISSION TO THE FIVE CIVILIZED TRIBES.

(COPY)

ADDRESS ONLY THE  
COMMISSION TO THE FIVE CIVILIZED TRIBES

Muskogee, Indian Territory, February 11, 1902.

Wak E. Brook, Esq.,

Attorney for Addie M. Shepherd et al.,

Muskogee, Indian Territory.

Dear Sir:

You are hereby advised that the Secretary of the Interior, under date of February 1, 1902, affirmed the decision of the Commission, dated February 27, 1901, enrolling Addie M. Shepherd as a citizen of the Creek Nation and providing for the enrollment of her children, Maud and Oscar Lee Shepherd, upon presentation of proof of birth.

Yours truly,

T.B.Needles.

Commissioner in Charge.

COMMISSIONERS  
HENRY L. DAWES.  
TAMM BIXBY.  
THOMAS B. NEEDLES.  
C. R. BRECKINRIDGE.

ALLISON L. AYLESWORTH,  
SECRETARY

DEPARTMENT OF THE INTERIOR  
COMMISSION TO THE FIVE CIVILIZED TRIBES.

(COPY)

ADDRESS ONLY THE  
COMMISSION TO THE FIVE CIVILIZED TRIBES

Muskogee, Indian Territory, February 11, 1902.

A. P. McKellop, Esq.,

H. C. Reed, Esq.,

Attorneys for Creek Nation,

Muskogee, Indian Territory.

Gentlemen:

You are hereby advised that the Secretary of the Interior, under date of February 1, 1902, affirmed the decision of the Commission, dated February 27, 1901, enrolling Addie M. Shepherd as a citizen of the Creek Nation and providing for the enrollment of her children, Maud and Oscar Lee Shepherd, upon presentation of proof of birth.

Yours truly,

T.B.Needles.

Commissioner in Charge.

DEPARTMENT OF THE INTERIOR  
COMMISSION TO THE FIVE CIVILIZED TRIBES.

.....

In the matter of the application of Addie M. Shepherd for the enrollment of herself and her two minor children, Maud Shepherd and Oscar Lee Shepherd, as citizens of the Creek Nation.

D E C I S I O N .

It appears from the record in this case that on January 15, 1900, Addie M. Shepherd appeared before the Commission to the Five Civilized Tribes and made application for the enrollment of herself and her daughter, Maud Shepherd; that testimony of witnesses was introduced at various times up to and including February 2, 1901; and that the caption of the case on the transcript of testimony offered July 28, 1900, was changed to read: "In the matter of the application of Addie M. Shepherd and her two children, Maud and Oscar Lee Shepherd, for enrollment as citizens of the Creek Nation."

It also appears that Addie M. Shepherd is twenty-one years of age and the daughter of V.N. McNally and Susan McNally, nee James, both deceased; that said V.N. McNally was a member of Ketchopatake Town of the Creek Nation and enrolled and recognized as a citizen of said Nation by the tribal authorities thereof; and that said Susan McNally was a Chickasaw Indian by blood.

It further appears that Addie M. Shepherd, nee McNally, is the same person whose name appears upon the 1890 Authenticated Creek Roll as Luoy McNally; and that her name appears upon the 1895 Ketchopatake Town Pay Roll as Addie McNally.

An examination of the authenticated 1895 Ketchopatake Town Roll has been made by this Commission and the name "Addie" appears thereon in the family of, and following the name of, V.N. McNally.

There is no evidence in the case relating in any manner to the two children, Maud and Oscar Lee Shepherd.

It is, therefore, the opinion of this Commission that Addie M. Shepherd is a citizen by adoption of the Creek Nation; that she should be listed for enrollment as a citizen of the Creek Nation in accordance with the provisions of Section 21 of the Act of Congress approved June 28, 1898 (30 Stat., 495); and that the said children, Maud and Oscar Lee Shepherd, should be listed for enrollment as citizens of said Nation upon presentation of proof that they are the children of said Addie M. Shepherd, born to her subsequent to the date of the last authenticated Creek roll, and it is so ordered.

The Commission to the Five Civilized Tribes.

Dated at Muskogee, Indian Territory,  
this 27th day of February, 1901.

Acting Chairman.

Commissioner.

Commissioner.

DEPARTMENT OF THE INTERIOR.  
COMMISSION TO THE FIVE CIVILIZED TRIBES.  
MUSCOGEE, I. T., JAN. 15<sup>th</sup>, 1900.

IN THE MATTER OF THE APPLICATION FOR ENROLLMENT OF Addie M. Sheppard and her daughter, Maud, as citizens of the Creek Nation., and Addie M. Sheppard, being sworn by Commissioner, T. B. Needles, testified as follows:

By Mr. Angel.

- Q. What is your name? A. Addie Mary Sheppard.  
Q. Are you a citizen of the Creek Nation? A. Yes sir.  
Q. How old are you? A. Twenty-one.  
Q. How long have you lived in the Creek Nation?  
A. Nearly all my life.  
Q. What is your fathers name? A. T. M. McNally.  
Q. Was he an Indian? A. Yes sir.  
Q. A full blood? A. No sir.  
Q. What is your mothers name? A. Susie McNally.  
Q. Is she a citizen of the Creek Nation? A. No sir.  
Q. Is she an Indian by blood? A. Yes sir.  
Q. What nation did she belong to? A. Chickasaw Nation.  
Q. Has your father always lived in the Creek Nation?  
A. Yes sir, nearly always.  
Q. Your father and mother are both now living? A. No sir.  
Q. Both dead? A. Yes sir.  
Q. How long ago did they die? A. My father has been dead about a year; mother has been dead about fifteen years.  
Q. Where in the Creek Nation have you resided; and where do you now reside? A. At Brush-hill, I. T.  
Q. Have you always resided there? A. No sir.  
Q. At what other point have you lived? A. Just three miles south of Eufaula all my life, until about three years ago, then I moved to Brushhill.  
Q. Do you know whether or not your name is on the Chickasaw Rolls?  
A. No sir; every body says it is not.  
Q. Do you know whether or not your name is on the Creek Rolls?  
A. They say it is; I have never seen it.  
Q. Did you draw the \$29.00 in 1890?  
A. I never drew any myself; my father always drew for me.  
Q. Do you know whether he drew the \$29.00 for ~~xxxxx~~ you?  
A. If he drew it, he drew it for me.  
Q. Did you draw the \$14. 40 in 1895? A. No sir, I never draw any money myself in person; my father always drew for me.  
Q. What is your husbands name? A. Kelsey H. Sheppard.  
Q. Is he a citizen of the Creek nation? A. No sir.  
Q. What is he? A. White man.  
Q. Are you the sister of John R. McNally? A. Yes sir.  
Q. Is he a citizen of the Creek or Chickasaw Nation?  
A. He lives in the Chickasaw Nation.  
Q. Do you know whether or not he is on the Chickasaw Rolls?  
A. No sir, I do not know anything about it.  
Q. What town do you belong to? A. I do not know the name of it.  
Q. Did your father ever draw any money for you in the Chickasaw Nation? A. No sir.  
Q. Are you positive that your name does not appear on the Chickasaw Rolls? A. I am not positive, for I have not seen the Rolls myself, but I have been told that my name was not on the Chickasaw Rolls.  
Q. All you know about being on the Creek Roll is what people have told you? A. Well, I never saw the Rolls myself; I do not know anything until I see it; they had my name registered, but I was not old enough to read and write.

Sworn to and subscribed before me this 15<sup>th</sup> day of January, 1900  
at Muscogee, I. T.

*Addie M. Sheppard*  
*T. B. Needles* COMMISSIONER.



DEPARTMENT OF THE INTERIOR.  
COMMISSION TO THE FIVE CIVILIZED TRIBES.  
MUSCOGEE, I.T.? JAN. 15 <sup>th</sup>, 1900.

IN THE MATTER OF THE APPLICATION FOR ENROLLMENT OF Addie M. Sheppard and her daughter, Maud Sheppard as citizens of the Muscogee Nation., John R. McNally, being sworn by Commissioner, T. B. Needles, testified as follows:

- Q. What is your name? A. John R. McNally.  
Q. How old are you? A. Twenty five years old.  
Q. Do you know the applicant, Addie M. Sheppard? A. Yes sir.  
Q. What kin is she to you? A. My sister.  
Q. Are you a citizen of the Chickasaw Nation? A. Yes sir.  
Q. Does your name appear on the Chickasaw Roll? A. Yes sir.  
Q. Was your mother a citizen of the Chickasaw Nation? A. Yes sir.  
Q. What Nation did your father belong to? A. The Creek Nation.  
Q. Were your father and mother full bloods or just part Indian?  
A. Just part Indian.  
Q. Have you ever been enrolled as a citizen of the Chickasaw Nation?  
A. Yes sir.  
Q. Is your sister, Addie, a citizen of the Creek or Chickasaw Nation? A. She is after a right of the Creek Nation; she is a citizen of both nations; she has both bloods, Chickasaw & Creek.  
Q. Does her name appear on the Chickasaw Roll? A. I do not know.  
Q. Was any money ever drawn for her in the Chickasaw Nation?  
A. Not that I know of.  
Q. Do you know whether or not she ever drew any money from the Creek Nation? A. Yes, she drew money from the Creek Nation at one time; that is father drew it for me and her too.  
Q. When was that? A. I forget what year it was, about four or five years ago.  
Q. Do you know whether any money was drawn for Addie in 1890?  
A. No sir, I do not know.  
Q. How long has Addie lived in the Creek Nation?  
A. Ever since she was six years old, with the exception of one or two years when she lived in the Choctaw Nation.  
Q. How old was she when she lived in the Choctaw Nation?  
A. About ten years old I think.  
Q. Then she moved back to the Creek Nation? A. Yes sir.

*John R. McNally*

Sworn to and subscribed before me this 15<sup>th</sup> day of January, 1900  
at Muscogee, I. T.

*T. B. Needles*

COMMISSIONER.

COMMISSIONERS:

HENRY L. DAWES,  
TAMM BIXBY,  
THOMAS B. NEEDLES,  
C. R. BRECKINRIDGE.

ALLISON L. AYLESWORTH,  
SECRETARY

DEPARTMENT OF THE INTERIOR,

COMMISSION TO THE FIVE CIVILIZED TRIBES.

ADDRESS ONLY THE  
COMMISSION TO THE FIVE CIVILIZED TRIBES

Muskogee, Indian Territory, FEB 1 1902, 1902.

Received on this date from the Commission to the Five Civilized Tribes a copy of the record of proceedings in the matter of the application of Addie M. Shepherd et al. for enrollment as citizens of the Creek Nation.

A. S. M. Keeler

Attorney for Creek Nation.

Creek No. 44.

SUBPOENA FOR WITNESSES WITH RECORDS.

DEPARTMENT OF THE INTERIOR,  
COMMISSION TO THE FIVE CIVILIZED TRIBES.

To Thomas J. Adams, and John Tiger

You are hereby summoned to appear before the Commission to the Five Civilized Tribes at  
Muskogee in the Creek Nation, Indian  
Territory, on the 17th day of November, 1900, to testify in  
the matter of the application of Addie M. Sheppard  
for enrollment as a citizen of the Creek Nation. -----

-----  
and you are required to bring with you any Creek citizenship rolls or records  
which may be in your possession or under your control.

for the inspection and use of said Commission in making rolls of Creek citizens, as  
provided by Act of June 28, 1898. Herein fail not under penalty of the law.

Dated at Muskogee, I. T. this 26th day of October, 1900

  
Commissioner.

No. 100.

SUBPOENA.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for enrollment of *Addie M. Sheppard* as a citizen of the

~~in the~~ *Breck.* Nation.

Note. This subpoena was handed to me by Mr. Brook, attorney for applicant on Nov. 17, 1900, and on the same day Thomas J. Adams and George Tiger appeared before the Commission in obedience to same and were informed by me that this cause had been continued to Nov. 30, 1900, J. C. L.

I, \_\_\_\_\_, do solemnly swear that I am \_\_\_\_\_ years  
of age, and that on the \_\_\_\_\_ day of \_\_\_\_\_, in the  
Nation, Indian Territory, I served the within Subpoena on the within named  
by then and there delivering a true copy of the same to said  
Subscribed and sworn to before me this \_\_\_\_\_ day of \_\_\_\_\_

DEPARTMENT OF THE INTERIOR,  
COMMISSION TO THE FIVE CIVILIZED TRIBES.

-----o-----

To Addie M. Sheppard et al,

Or their Attorney of Record:

You are hereby notified that the hearing in the matter of the application of Addie M. Sheppard et al, for enrollment as citizens of the Creek Nation, which was originally set for November 17th, 1900, has been postponed until Friday, November 30, 1900.

COMMISSION TO THE FIVE CIVILIZED TRIBES,

*James Bixby*

Acting Chairman.  
E

Muskogee, Indian Territory, November 12, 1900.

-----o-----  
Service of the above notice accepted at Muskogee, Indian Territory, this 12th day of November, 1900.

*Paul W. Brock*

Attorney of Record for

Addie M. Sheppard et al

Principal Chief of the

Creek Nation.

COMMISSIONERS:  
HENRY L. DAWES,  
TAMM BIXBY,  
THOMAS B. HEDDLES,  
C. R. BRIDGEMAN.

ALLISON L. AYLESWORTH,  
SECRETARY.

DEPARTMENT OF THE INTERIOR,

COMMISSION TO THE FIVE CIVILIZED TRIBES.

Muskogee, Indian Territory, November 14, 1900.

Thomas J. Adams, Esq.,

Okmulgee, Indian Territory.  
Tuskegee, Indian Territory.

Dear Sir:

You are hereby notified that the hearing in the matter of the application of Addie N. Sheppard et al, for enrollment as citizens of the Creek Nation, originally set for November 17th, 1900, and in which you were subpoenaed as a witness, has been postponed until Friday, November 30th, 1900.

You will therefore be governed accordingly.

Yours truly,

Acting Chairman.

F.B.



COMMISSIONERS:  
HENRY L. DAWES,  
TAMM BIXBY,  
THOMAS B. NEEDLES,  
C. R. BRICKNORRIDGE.

ALLISON L. AYLESWORTH,  
SECRETARY.

DEPARTMENT OF THE INTERIOR,

COMMISSION TO THE FIVE CIVILIZED TRIBES.

Muskogee, Indian Territory, November 14, 1900

John Tiger, Esq.,

Okmulgee, Indian Territory.

Dear Sir:

You are hereby notified that the hearing in the matter of the application of Addie M. Sheppard et al, for enrollment as citizens of the Creek Nation, originally set for November 17th, 1900, and in which you were subpoenaed as a witness, has been postponed until Friday, November 30th, 1900.

You will therefore be governed accordingly.

Yours truly

F.T.

Acting Chairman.

CR EN 45

CR EN 45

DEPARTMENT OF THE INTERIOR.  
COMMISSION TO THE FIVE CIVILIZED TRIBES.  
MUSCOGEE, I. T., JAN. 25<sup>th</sup>, 1900.

IN THE MATTER OF THE APPLICATION OF Elsie Jamison for enrollment as a citizen of the Creek Nation, and Elsie Jamison, being sworn by Commissioner, T. B. Needles, testified as follows:

By Mr. Angel.

- Q. What is your name? A. Elsie Jamison.  
Q. What is your Postoffice? A. Atoka, I. T.  
Q. How long have you resided at Atoka?  
A. About three years back and forth.  
Q. Where did you reside before you went to Atoka?  
A. On the Deep Fork.  
Q. In the Creek Nation? A. Yes sir.  
Q. Have you been outside of the Indian Territory during the last five or six years? A. No sir.  
Q. Have never resided out of the Territory? A. No sir.  
Q. Have always lived in the Indian Territory? A. Yes sir.  
Q. All your life? A. Yes sir.  
Q. Have you resided any where else in the Indian Territory except at Atoka and on the Deep Fork? A. No sir.  
Q. How old are you? A. About thirty seven; between thirty seven and thirty-eight.  
Q. Is your name on the DummRoll? A. Yes sir, I guess it is.  
Q. Are you sure of that? A. Yes sir; I am sure it is.  
Q. Who was your mother? A. Dollie Stidham.  
Q. Is she now living? A. Yes sir.  
Q. Who was your father? A. Jim Boy Tobler.  
Q. Is he now living? A. Yes sir.  
Q. Is he a citizen of the Creek Nation? A. Yes sir.  
Q. Have you any children? A. Yes sir, one.  
Q. What is its name? A. Josephine Jamison.  
Q. How old is she? A. She is sixteen; will be sixteen the second day of August.  
Q. Has she always resided in the Territory? A. Yes sir.  
Q. Lived with you all her life? A. Yes sir.  
Q. What is the name of your husband? A. Salola Jamison.  
Q. Is your husband a Creek citizen? A. Yes sir.  
Q. Does he live with you? A. He is now dead.  
Q. Did you draw the \$17.34 in 1869? A. No sir.  
Q. You did not? A. No sir.  
Q. Then your name would not be on the Dumm Roll, would it?  
A. If any one "drew" it, it was while I was small; I do not remember.  
Q. You did not draw that money? A. No sir.  
Q. You just testified that your name was on the Dumm Roll?  
A. I know it is on there.  
Q. How could it be on there?  
A. I was a child when the money was drawn; I do not know anything about it.  
Q. Then you can not swear positively that your name is on the Dumm Roll? A. No sir, but it is on the Keshopatake and Northfork Rolls.  
Q. What town do you belong to? A. Keshopatake.  
Q. Are you sure of that? A. Yes sir.  
Q. Did you draw \$29.00 in 1890? A. Yes sir.  
Q. Not the money yourself? A. Yes sir, for myself and child.  
Q. That is Josephine? A. Yes sir.  
Q. Did you draw in the \$14.00 payment in 1895? A. Yes sir, me and my little girl; yes sir, I drew it.  
Q. Were you in Keshopatake town then? A. Yes sir.

- Q. Do you know what town your mother belongs to? A. Yes sir.  
Q. Please name it? A. Keshopatake.  
Q. You belong to the same town your mother does? A. Yes sir.  
Q. As a matter of fact, your mother does not belong to the Keshopatake town.  
A. I know I do; that is where I grew.  
Q. I state that your mother does not belong to the Keshopatake town; how do you account for that; you say you belong to the same town that she does?  
A. I belong to the Keshopatake town and always have.

Department of the Interior,

Commission to the Five Civilized Tribes.

I hereby certify, upon my official oath as stenographer to above named Commission, that this transcript is a true, full and correct translation of my stenographic notes.

*R. R. Craven*

DEPARTMENT OF THE INTERIOR.  
COMMISSION TO THE FIVE CIVILIZED TRIBES.  
MUSCOGEE, I. T., JAN. 25<sup>th</sup>, 1900.

IN THE MATTER OF THE APPLICATION OF Elsie Jamison, for enrollment as a citizen of the Creek Nation; Dollie Stidham being sworn by Commissioner, T. B. Needles, testified as follows:

By Mr. Angel.

- Q. What is your name? A. Dollie Stidham.  
Q. How old are you? A. I do not know; I was born in slavery time.  
Q. What is your Postoffice? A. Okmulgee, I. T.  
Q. What town do you belong to? A. I first belonged to Keshopatake and then I was transferred to the Northfork town.  
Q. Are you on the Dumb Roll? A. I do not know.  
Q. Were you admitted to citizenship by the Creek Commission?  
A. Yes sir.  
Q. Have you a daughter by the name of Elsie Jamison? A. Yes sir.  
Q. What was her name before she was married? A. Elsie Tobler.  
Q. Is Elsie, the applicant for enrollment, your daughter? A. Yes sir.  
Q. You identify her then as your daughter? A. Yes sir.  
Q. Did you draw the \$29.00 in 1897? A. Yes sir.  
Q. What town did she belong to then? A. On Sugar Georges town then.  
Q. Northfork? A. Yes sir/  
Q. Has Elsie Jamison always lived in the Indian Territory?  
A. Yes sir.  
Q. Do you know whether or not she drew in the \$14.00 payment in 1895? A. Yes sir.  
Q. Did she draw it herself? A. No sir; I drew it and turned it over to her.  
Q. You drew it for her? A. Yes sir.  
Q. Did she belong to the Northfork town at that time? A. Yes sir.

Department of the Interior,  
Commission to the Five Civilized Tribes.

I hereby certify, upon my official oath as  
stenographer to above named Commission, that this  
manuscript is a true, full and correct translation of  
the stenographic notes.

*R. R. Craven*

DEPARTMENT OF THE INTERIOR.  
COMMISSION TO THE FIVE CIVILIZED TRIBES.  
MUSCOGEE, I. T., JAN. 25", 1900.

IN THE MATTER OF THE APPLICATION OF Elsie Janison, for enrollment  
as a citizen of the Creek Nation, Picket Rennie, being sworn by  
Commissioner, T. B. Needles, testified as follows:

By Mr. Angel.

Q. What is your name? A. Picket Rennie.

Q. Are you a citizen of the Muscogee Nation? A. Yes sir.

Q. What town do you belong to? A. Canadian.

Q. Do you know the applicant here, Elsie Janison? A. Yes sir.

Q. How long have you known her? A. From a child.

Q. Has she always been recognized as a citizen of the Creek Nation?  
A. Yes sir.

Q. Who is Elsie's mother? A. Dollie Stidham.

Q. Who was Elsie's father? A. Jim.

Q. Jim what? A. Jim Tobler.

Q. You then identify this woman, Elsie Janison, as the daughter  
of Dollie Stidham? A. Yes sir.

Department of the Interior,  
Commission to the Five Civilized Tribes.

I hereby certify, upon my official oath as  
stenographer to above named Commission, that this  
manuscript is a true, full and correct translation of  
stenographic notes.

*R. P. Chavens*



DEPARTMENT OF THE INTERIOR,  
COMMISSION TO THE FIVE CIVILIZED TRIBES.  
MUSCOGEE, I. T., JAN. 25<sup>th</sup>, 1900.

IN THE MATTER OF THE APPLICATION OF Elsie Jamison, for enrollment  
as a citizen of the Creek Nation., Billy Sewall, being sworn by  
Commissioner, T. B. Needles, testified as follows:

By Mr. Angel.

- Q. What is your name? A. Billy Sewall.  
Q. How old are you? A. I do not know my age; about fifty-four.  
Q. Are you a citizen of the Creek Nation? A. Yes sir.  
Q. Do you know Dollie Stidham? A. I do.  
Q. How long have you known her? A. All my life.  
Q. Do you know Elsie Jamison? A. Yes sir.  
Q. Is she the daughter of Dollie Stidham? A. Yes sir.  
Q. Has Elsie always resided in the Indian Territory?  
A. Yes sir, to my knowing.  
Q. She always has? A. Yes sir.  
Q. Do you know Elsie's husband? A. No sir.  
Q. Has Elsie any children? A. Yes sir, one.  
Q. Boy or girl? A. I do not know; have not seen it for quite a  
while.  
Q. You do not know whether it is a boy or a girl? A. No sir.

By Mrs. Rogers.

- Q. You say you know Dollie Stidham, and you know this girl, Elsie;  
will give me the names of Dollie's other children? A. She has got  
a good many; Jake, George, Ben, Bob, Joe, Josh; I can not think  
of their names just now, but I know them all by name when I see  
them.  
Q. I thought you stated you knew Elsie? A. I do know her.  
Q. This is the only girl you remember A. Yes nam.

Department of the Interior,  
Commission to the Five Civilized Tribes.

I hereby certify, upon my official oath as  
stenographer to above named Commission, that this  
transcript is a true, full and correct translation of  
my stenographic notes.

*R. R. Craven*

(COPY)

Muskogee, Indian Territory, January 16, 1902.

The Honorable,

The Secretary of the Interior.

Sir:

There is herewith transmitted the record of proceedings in the matter of the application of Elsie Jamison for the enrollment of herself and child, Josephine Jamison, as citizens of the Creek Nation, including the decision of the Commission, dated May 18, 1901, enrolling said applicants as citizens of said nation.

Respectfully,

I. B. Needles.

Commissioner in charge.

1 enclosure  
Creek 45.

Through the Commissioner  
of Indian Affairs.

(COPY)

Muskogee, Indian Territory, January 16, 1902.

The Honorable,

The Secretary of the Interior.

Sir:

There is herewith transmitted the record of proceedings in the matter of the application of Elsie Jamison for the enrollment of herself and child, Josephine Jamison, as citizens of the Creek Nation, including the decision of the Commission, dated May 18, 1901, enrolling said applicants as citizens of said Nation.

Respectfully,

T. B. Needles.

Commissioner in charge.

1 enclosure  
Creek 45.

Through the Commissioner  
of Indian Affairs.

(COPY)

Muskogee, Indian Territory, January 16, 1902.

Miss Jamison,

Atoka, Indian Territory.

Dear Madam:

There is herewith enclosed a copy of the decision of the Commission to the Five Civilized Tribes in the matter of the application made by you for the enrollment of yourself and child, Josephine Jamison, as Citizens of the Creek Nation.

The decision, with a copy of the proceedings had in the case, is this day transmitted to the Secretary of the Interior for his review and decision. The final decision of the Secretary will be made known to you as soon as the Commission is informed of the same.

Yours truly,

T. B. Needles.

Commissioner in charge.

1 enclosure. EJ-1  
Registered.

(COPY)

Muskogee, Indian Territory, January 16, 1908.

A. P. McKellop, Esq.,

H. C. Reed, Esq.,

Attorneys for Creek Nation,

Muskogee, Indian Territory.

Gentlemen:

There is herewith enclosed a copy of the decision of the Commission to the Five Civilized Tribes in the matter of the application for the enrollment of Elsie Jamison and child, Josephine Jamison, as citizens of the Creek Nation.

The decision, with a copy of the proceedings had in the case, is this day transmitted to the Secretary of the Interior for his review and decision. The final decision of the Secretary will be made known to you as soon as the Commission is informed of the same.

Yours truly,

T.B. Needles.

Commissioner in charge.

1 enclos re McK&R-1  
Registered.

(COPY)

Refer in reply to the  
following: Land  
1898-1902.

DEPARTMENT OF THE INTERIOR,  
Office of Indian Affairs,

Washington, January 29, 1902.

The Honorable

The Secretary of the Interior.

Sir:

There is inclosed herewith a report dated January 16, 1902, from T. B. Needles, Esq., Commissioner in charge of the work of the Dawes Commission, transmitting for the Department's consideration the record in the matter of the application of Elsie Jamison for the enrollment of herself and her minor child, Josephine Jamison, as citizens of the Creek Nation.

May 18, 1901, the Commission rendered the following decision in the case, to wit:

"It appears from the record in this case that on January 23, 1900, Elsie Jamison appeared before this Commission at Muskogee, Indian Territory, and made application for the enrollment of herself and her minor child, Josephine Jamison as citizens of the Creek Nation; that her father was Jim Bow Tobler and her mother Mollie Stidham, both Creek freedmen and recognized citizens of the Creek Nation.

"It also appears that the said Elsie Jamison and her minor child have been heretofore recognized as citizens of the Creek Nation, by the tribal authorities thereof; that the names of Elsie Jimmerson and Joe Jimmerson are found upon the 1890



"authenticated Creek roll, page 160; that the names of Elsie Tobler and Josephine Jimmerson are found upon the 1895 authenticated census roll of North Fork Town of the Creek Nation and "That the names of Elsie Tobler and Josephine Jimison are found "upon the 1895 pay roll of North Fork Town at Numbers 412 and "407 respectively.

"It is therefore the opinion of this Commission that the "said Elsie Jamison and her minor child, Josephine Jamison are "Creek freedmen and that they should be enrolled as citizens of "the Creek Nation in accordance with the provisions of the act "of Congress approved June 28, 1898 (30 Stats. 495) and it is "so ordered."

The office has examined the record in this case, agrees with the decision of the Commission and respectfully recommends that the same be approved.

Very respectfully,

Your obedient servant,

W. A. JONES.

Commissioner.

GAW  
D

3 inclosures.

(COPY)

24243

DEPARTMENT OF THE INTERIOR.

WASHINGTON.

I.T.D.629-1902.

L.R.S.

April 23, 1902.

Commission to the Five Civilized Tribes,  
Muskogee, I. T.

Gentlemen:

The Department has considered the case involving the application of Elsie Jamison for the enrollment of herself and minor child, Josephine Jamison, as citizens of the Creek Nation, and in connection therewith an argument filed by the nation's attorneys.

The Commissioner of Indian Affairs transmitting the case January 29, 1902, recommends that your decision in favor of the claimants be affirmed.

It is shown that the claimants are colored people. In your decision it is stated that they have been recognized as citizens of the Creek Nation by the "tribal authorities", but in what manner you do not state, further than that the names of these claimants are found upon the 1890 authenticated census roll of North Fork Town and upon the 1895 pay roll of said town.

The attorneys call attention to the provisions of the act of June 28, 1898 (30 Stat., 495),--section 21 -

in regard to Creek Freedmen, and to section 145 of the Creek laws, and insist that the parties have never been adopted by the nation in any legal manner, and that the conclusion should be that their enrollment "on the pay roll of 1896" was procured by fraud or without authority of law.

The Department has also considered, in connection with the case, your report of January 28, 1903, upon a resolution of the Creek Nation in regard to citizenship matters, and finds no reason to disturb your decision, and it is affirmed. A copy of the Commissioner's letter is enclosed.

Respectfully,

THOS. RYAN.

Acting Secretary.

END.

1 inclosure.

(COPY)

Waukegan, Ind. Ter., May 7, 1902.

Elvie Jamison,

Atoka, Ind. Ter.

Dear Madam:

You are hereby advised that the Secretary of the Interior, under date of April 23, 1902, affirmed the decision of the Commission, dated May 18, 1901, enrolling yourself and minor child, Josephine Jamison, as citizens of the Creek Nation.

Yours truly,

T. B. KENDLER.

Commissioner in Charge.

Creek-45.

OCH.

(COPY)

Muskogee, Ind.Ter., May 7, 1902.

A. P. McKelley, Esq.,

H. C. Reed, Esq.,

Attorneys for the Creek Nation,

Muskogee, Ind. Ter.

Gentlemen:

You are hereby advised that the Secretary of the Interior, under date of April 23, 1902, affirmed the decision of the Commission, dated May 18, 1901, enrolling Elsie Jamison and her minor child, Josephine Jamison, as citizens of the Creek Nation.

Yours truly,

T. B. NEEDLES.

Commissioner in Charge.

Creek-45.

OCH.

DEPARTMENT OF THE INTERIOR  
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application of Elsie Jamison for the enrollment of herself and her child, Josephine Jamison as citizens of the Creek Nation.

DECISION.

It appears from the record in this case that on January 25, 1900, Elsie Jamison appeared before this Commission at Muskogee, Indian Territory and made application for the enrollment of herself and her minor child, Josephine Jamison as citizens of the Creek Nation; that her father was Jim Boy Tobler and her mother Mollie Stidham, both Creek freedmen and recognized citizens of the Creek Nation.

It also appears that the said Elsie Jamison and her minor child have been heretofore recognized as citizens of the Creek Nation by the tribal authorities thereof; that the names of Elsie Jimmerson and Joe Jimmerson are found upon the 1890 authenticated Creek roll, page 160; that the names of Elsie Tobler and Josephine Jimmerson are found upon the 1895 authenticated census roll of North Fork Town of the Creek Nation and that the names of Elsie Tobler and Josephine Jimison are found upon the 1895 pay roll of North Fork Town at Numbers 412 and 407 respectively.

It is therefore the opinion of this Commission that the said Elsie Jamison and her minor child, Josephine Jamison are Creek freedmen and that they should be enrolled as citizens of the Creek Nation in accordance with the provisions of the act of Congress approved June 28, 1898, (30 Stats. 495) and it is so ordered.

The Commission to the Five Civilized Tribes.

Dated at ~~Okmulgee~~, Indian Territory,  
this the 18th day of May, 1901.

Acting Chairman.

Commissioner.

Commissioner.



(COPY)

Department of the Interior.  
Commission to the Five Civilized Tribes.  
Muscokee, I. T., Jan. 25<sup>th</sup> 1900.

In the matter of the application of Elsie Jamison for enrollment as a citizen of the Creek Nation, and Elsie Jamison, being sworn by Commissioner T. B. Needles, testified as follows:

By Mr. Angel.

- Q What is your name? A Elsie Jamison.  
Q What is your postoffice? A Atoka, I. T.  
Q How long have you resided at Atoka? A About three years back and forth.  
Q Where did you reside before you went to Atoka? A On the Deep Fork.  
Q In the Creek Nation? A Yes sir.  
Q Have you been outside of the Indian Territory during the last five or six years? A No sir.  
Q Have never resided out of the Territory? A No sir.  
Q Have always lived in the Indian Territory? A Yes sir.  
Q All your life? A Yes sir.  
Q Have you resided any where else in the Indian Territory except at Atoka and on the Deep Fork? A No sir.  
Q How old are you? A About thirty seven; between thirty seven and thirty-eight.  
Q Is your name on the Dunn Roll? A Yes sir, I guess it is.  
Q Are you sure of that? A Yes sir, I am sure it is.  
Q Who was your mother? A Dollie Stidham.  
Q Is she now living? A Yes sir.  
Q Who was your father? A Jim Boy Tobler.  
Q Is he now living? A Yes sir.  
Q Is he a citizen of the Creek Nation? A Yes sir.  
Q Have you any children? A Yes sir, one.  
Q What is its name? A Josephine Jamison.  
Q How old is she? A She is sixteen; will be sixteen the second day of August.  
Q Has she always resided in the Territory? A Yes sir.  
Q Lived with you all her life? A Yes sir.  
Q What is the name of your husband? A Selola Jamison.  
Q Is your husband a Creek citizen? A Yes sir.  
Q Does he live with you? A He is now dead.  
Q Did you draw the \$17.34 in 1869? A No sir.  
Q You did not? A No sir.  
Q Then your name would not be on the Dunn Roll, would it? A  
A If any one "drew" it, it was while I was small; I do not remember.  
Q You did not draw that money? A No sir.  
Q You just testified that your name was on the Dunn Roll?  
A I know it is on there.  
Q How could it be on there? A I was a child when the money was drawn; I do not know anything about it.  
Q Then you cannot swear positively that your name is on the Dunn Roll? A No sir, but it is on the Kechopatake and Northfork Rolls.  
Q What town do you belong to? A Kechopatake.  
Q Are you sure of that? A Yes sir.  
Q Did you draw \$29.00 in 1890? A Yes sir.  
Q Got the money yourself? A Yes sir, for myself and child.  
Q That is Josephine? A Yes sir.

Q Did you draw in the \$14.00 payment in 1895? A Yes sir, we and my little girl; yes, sir, I drewed it.  
Q Were you in Keeshopatake town then? A Yes sir.  
Q Do you know what town your mother belongs to? A Yes sir.  
Q Please name it? A Keeshopatake.  
Q You belong to the same town your mother does? A Yes sir.  
Q As a matter of fact, your mother does not belong to the Keeshopatake town. A I know I do; that is where I drew.  
Q I state that your mother does not belong to the Keeshopatake town; how do you account for that; you say you belong to the same town that she does?  
A I belong to the Keeshopatake town and always have.

Department of the Interior.  
Commission to the Five Civilized Tribes.  
I hereby certify, upon my official oath as stenographer to above named Commission, that this transcript is a true, full and correct translation of my stenographic notes.

R. R. Gravens.

(60PT)

Department of the Interior.  
Commission to the Five Civilized Tribes.  
Muskogee, I. T., Jan. 25<sup>th</sup> 1900.

In the matter of the application of Elsie Jamison, for enrollment as a citizen of the Creek Nation; Dollie Stidham being sworn by Commissioner T. B. Needles, testified as follows:

By Mr. Angel.

- Q What is your name? A Dollie Stidham.  
Q How old are you? A I do not know; I was born in slavery time.  
Q What is your postoffice? A Okmulgee, I. T.  
Q What town do you belong to? A I first belonged to Kechopatake and then I was transferred to the Northfork town.  
Q Are you on the Dunn Roll? A No I do not know.  
Q Were you admitted to citizenship by the Creek Commission? A Yes sir.  
Q Have you a daughter by the name of Elsie Jamison? A Yes sir.  
Q What was her name before she was married? A Elsie Tobler.  
Q Is Elsie, the applicant for enrollment, your daughter? A Yes sir.  
Q You identify her then as your daughter? A Yes sir.  
Q Did you draw the \$29.00 in 1890? A Yes sir.  
Q What town did she belong to then? A On Sugar Georges town then.  
Q Northfork? A Yes sir.  
Q Has Elsie Jamison always lived in the Indian Territory?  
A Yes sir.  
Q Do you know whether or not she drew in the \$14.00 payment in 1895? A Yes sir.  
Q Did she draw it herself? A No sir; I drew it and turned it over to her.  
Q You drew it for her? A Yes sir.  
Q Did she belong to the Northfork town at that time? A Yes sir.

Department of the Interior.  
Commission to the Five Civilized Tribes.

I hereby certify, upon my official oath as stenographer to above named Commission, that this transcript is a true, full and correct translation of my stenographic notes.

R. R. Gravens.

(COPY)

Department of the Interior.  
Commission to the Five Civilized Tribes.  
Muscoogie, I. T., Jan. 25<sup>th</sup>, 1900.

In the matter of the application of Elsie Jamison, for enrollment as a citizen of the Creek Nation, Picket Rentie, being sworn by Commissioner T. B. Needles, testified as follows:

By Mr. Angel.

- Q What is your name? A Picket Rentie.  
Q Are you a citizen of the Muscoogie Nation? A Yes sir.  
Q What town do you belong to? A Canadian.  
Q Do you know the applicant here, Elsie Jamison? A Yes sir.  
Q How long have you known her? A From a child.  
Q Has she always been recognized as a citizen of the Creek Nation?  
A Yes sir.  
Q Who is Elsie's mother? A Dollie Stidham.  
Q Who was Elsie's father? A Jim.  
Q Jim what? A Jim Tobler.  
Q You then identify this woman, Elsie Jamison, as the daughter of Dollie Stidham? A Yes sir.

Department of the Interior.  
Commission to the Five Civilized Tribes.

I hereby certify, upon my official oath as stenographer to above named Commission, that this transcript is a true, full and correct translation of my stenographic notes.

R. R. Gravens.

(COPY)

Department of the Interior.  
Commission to the Five Civilized Tribes.  
Muscoogie, I. T., Jan. 25<sup>th</sup>, 1900.

In the matter of the application of Elsie Jamison, for enrollment as a citizen of the Creek Nation., Billy Sewell, being sworn by Commissioner T. B. Needles, testified as follows:

By Mr. Angel.

- Q What is your name? A Billy Sewell.  
Q How old are you? A I do not know my age; about fifty-four.  
Q Are you a citizen of the Creek Nation? A Yes sir.  
Q Do you know Dollie Stidham? A I do.  
Q How long have you known her? A All my life.  
Q Do you know Elsie Jamison? A Yes sir.  
Q Is she the daughter of Dollie Stidham? A Yes sir.  
Q Has Elsie always resided in the Indian Territory? A Yes sir, to my knowing.  
Q She always has? A Yes sir.  
Q Do you know Elsie's husband? A No sir.  
Q Has Elsie any children? A Yes sir, one.  
Q Boy or girl? A I do not know; have not seen it for quite a while.  
Q You do not know whether it is a boy or a girl? A No sir.

By Mrs. Rogers.

- Q You say you know Dollie Stidham, and you know this girl, Elsie; well give me the names of Dollie's other children? A She has got a good many; Jake, George, Ben, Bob, Joe, Josh; I can not think of their names just now, but I know them all by name when I see them.  
Q I thought you stated you knew Elsie? A I do know her.  
Q This is the only girl you remember? A Yes man.

Department of the Interior.  
Commission to the Five Civilized Tribes.

I hereby certify, upon my official oath as stenographer to above named Commission, that this is a true, full and correct translation of my stenographic notes.

R. R. Cravens.

COMMISSIONERS:

HENRY L. DAWES,  
TAMM BIXBY,  
THOMAS B. NEEDLES,  
C. R. BRECKINRIDGE.

ALLISON L. AYLESWORTH,  
SECRETARY

DEPARTMENT OF THE INTERIOR,

COMMISSION TO THE FIVE CIVILIZED TRIBES.

ADDRESS ONLY THE  
COMMISSION TO THE FIVE CIVILIZED TRIBES

Muskogee, Indian Territory, FEB 1 1902, 1902.

Received on this date from the Commission to the Five  
Civilized Tribes a copy of the record of proceedings in the matter  
of the application of Elsie Jamison et al. for enrollment as  
citizens of the Creek Nation.

A. P. M. Keecop

Attorney for Creek Nation.

Creek No. 45.



CR EN 46

CR EN 46

DEPARTMENT OF THE INTERIOR,  
COMMISSION TO THE FIVE CIVILIZED TRIBES,  
MUSKOGEE LAND OFFICE, Feb. 13, 1900.

In the Matter of the Application of :  
Nellie Stidham for enrollment as a :  
Citizen of the Creek Nation. :  
-----:

James Broadenax, being first duly sworn, testified as follows:  
Through S. B. Callahan, Interpreter.

By Mr. Angell:

- Q What is your name? A James Broadenax.
- Q Are you a Creek citizen? A Yes sir.
- Q Full blood creek? A Half breed, half white and half Indian.
- Q What town do you belong to? A Hitchety.
- Q How old are you? A 45 years.
- Q Do you know Nellie Stidham? A Yes sir.
- Q How long have you known her? A Ever since her infancy.
- Q Did you know her father and mother? A Yes sir.
- Q Are they living? A No, both dead.
- Q How long have they been dead? A Both been dead over twenty years.
- Q What blood was the father? A He was a full blood Creek citizen.
- Q Was the mother a full blood Creek citizen? A Yes sir.
- Q Do you know what towns they belonged to? A Both belonged to Hitchity.
- Q Where has Nellie been living? A She was born in this nation and her parents died when she was small, and she was taken by Miss Amanda Davis and raised.
- Q Does Amanda Davis live here in the Creek Nation? A Yes sir.
- Q And Nellie is, now, and has been living with her ever since she was taken by her? A Yes sir.
- Q It appears in some way that Nellie Stidham has been enrolled as a citizen of the ~~xxxxxx~~ Seminole Nation; can you explain how that happened? A A man by the name of Poscofer, who was a Creek citizen and belonged to Hitchety town, went to the Seminole Nation, and there made an agreement with another Hitchety town chief of Hitchety town to have all the Hitcheties of the Creek Nation enrolled in the Seminole Nation, and that has been about thirty years ago. He says Nellie's mother was Poscofer's daughter, and he also knows her grandmother. He says there was a payment of some sixty-odd dollars, and for this reason Nellie's mother was enrolled by Poscofer in the Seminole Nation.
- Q Do you know whether or not Nellie was enrolled there? A He says that her relatives who were already enrolled there, after she became an orphan, had her name enrolled there without her knowledge or consent.
- Q Do you know whether or not she ever drew any money from the Seminole Nation? A He says, yes, he understood they sent her some per capita money.
- Q Do you know whether Nellie is on the Creek rolls? A Yes, she is on the Creek rolls.
- Q Do you know how she got the name of Nellie Johnson? A Her father's name was Johnson Stidham, and in enrolling her name they enrolled her as Nellie Johnson when her proper name was Nellie Stidham.
- Q Is Nellie Stidham, to your positive knowledge, a full blood Creek Indian? A Yes sir.

DEPARTMENT OF THE INTERIOR,  
COMMISSION TO THE FIVE CIVILIZED TRIBES,  
MUSKOGEE LAND OFFICE, May 13, 1900.

In the Matter of the Application of :  
Nellie Stidham, for enrollment as a cit-:  
izen of the Creek Nation. :  
-----:

March Thompson, being first duly sworn by Commissioner Needles,  
testified as follows:

By the Commission(A)

- Q What is your name? A March Thompson.
- Q Are you a citizen of the Creek nation? A Yes sir.
- Q What town do you belong to? A Tulwathloses.
- Q What is your postoffice address? A Burney.
- Q How old are you? A About 53; I don't know exactly.
- Q Do you know Nellie Stidham? A He says(By Interpreter) that he has not seen her for a long time.
- Q You didn't know her? A He says he hasn't seen her since she came back from Texas, but he knew her before she went to Texas.
- Q Did you know ~~xxxxxx~~ when she got back from Texas. A He says he don't know exactly what time she got back, but it has been about 8 or 10 years since she heard that she had got back.
- Q Do you know her father and mother? A Yes sir.
- Q What was her father's name? A He had two names. Johnson Stidham and Nutnoga.
- Q Was Johnson Stidham a Creek Indian? A Yes sir. He was a full-blood Creek Indian; he died and I buried him.
- Q What was her mother's name? A I used to know her mother's name, but I have forgotten; I knew the girl's mother and Father's names, but I have forgotten them.
- Q Was she a full blood Creek Indian? A Yes sir.
- Q Are her mother and father both living? A No, both dead.
- Q Do you know what town they belonged to? A Hitchity town.
- Q It appears that Nellie Stidham had been enrolled as a Seminole. Can you explain the reason why she has been so enrolled? A He says there was a man by the name of Poscofer; he was grand-father of this girl. The Seminoles was going to have some money and Poscofer took this family and had them enrolled on there for the purpose of drawing the money.
- Q Do you know whether Nellie drew any money in the Seminole nation?
- A He says, the first payment the Seminoles made, when Poscofer enrolled them, Nellie was not born. After that, he don't know whether she drew money or not.
- Q Do you know whether or not Nellie Stidham is on the Creek rolls?
- A He says he don't know whether she is enrolled or not, but she belonged to a different town; at that time Willie Lablanch was town king of Hitchity town, and he is not positive, but he thinks he heard Willie saying something about the girl drawing money.
- Q Is Nellie Stidham, to your positive knowledge, a full blood Creek Indian? A Yes sir.
- Q Did you ever know her by the name of Nellie Johnson? A He says, he knew her name was Nellie, but he is not positive about the Johnson part; he seems to think, in the place of putting Stidham, they put Johnson.

I, Commissioner Needles, do hereby certify that this  
transcript is a true, full and correct translation of  
my stenographic notes.

Francis B. Brown

Department of the Interior,  
Commission to the Five Civilized Tribes,  
Muskogee, I. T. September, 4th 1900.

In the matter of the application of Nellie Stidham for enrollment as a citizen of the Creek Nation. AMANDA S. DAVIS, being duly sworn testified as follows:

By the Commission:

Q. What is your name? A. Amanda S. Davis.

Q. What is your age? A. I was 85 last January.

Q. What is your post office address? A. Muskogee.

Q. You are a recognized citizen of the Creek Nation are you not?

A. Yes sir.

Q. To what town in the Creek Nation do you belong? A. Gussietta.

Q. Do you know the applicant for enrollment as a citizen of the Creek Nation, Nellie Stidham? A. Yes sir.

Q. How long have you known her? A. I got her in 1885; my son was living at Okmulgee ~~at~~ then, the first year he moved out; I was living in Texas at the time but I got her there; I applied for an orphan girl; I never had seen her but was acquainted with her parents; she told me there was an orphan girl at her house and she told the man of the house that she was staying at the house and he brought her the next day to me.

Q. About how old was she at that time? A. The man didnt know her age, but she was quite small and we just guessed she was 7 or 8 years old, they didnt charge me anything for taking her on the railroad.

Q. Has she been living with you ever since? A. She has been living with me ever since.

Q. Did you know her father and mother? A. No sir I never knew them but was acquainted with the Stidhams; her father was related. I heard my husband Grayson say he remembered her father going and visiting her once or twice in her life time; I never seen her myself.

Q. Do you know whether or not either of them were citizens of the Creek Nation? A. They were both citizens of the Creek Nation I was told.

Q. Do you know what proportion of Creek blood her father had? A. No sir I do not, they said he was tolerbly fair, but I dont know how much white blood he had.

Q. Do you know how much Creek blood the mother had? A. I have seen women that knew her father and mother and spoke about it but I never asked them no questions of that kind and never heard, only that her father was tolerbly fair they say.

Q. Did you understand that either the father or mother were Seminole citizens? A. No sir I never heard nothing about that.

Q. Did you ever draw any money for Nellie Stidham from the Creek Nation? A. Yes sir I have drawn money.

Q. Do you recollect how many times you drew money? A. I think I drew twice.

Q. Do you recollect whether or not you drew \$29.00 for her when the payment was made in 1890? A. I dont recollect.

Q. Did you draw money for her yourself or did some one else get it for you? A. My son I think got it for her and me and sent it to us we was in Texas, at the time.

Q. Was that in 1890? A. Yes sir I think it was somewhere along there.

Q. Did you have any other children or kin folks that you drew money for besides Nellie Stidham? A. No sir.

Q. Did you ever call Nellie Stidham by any other name besides? A. When I first got her she told me her name was Nellie Johnson, and so when I sent her to school I had her name set down in her books and it was some time afterward we found out there was a mistake, it was Stidham; Johnson Stidham was his name, but she had been told that it was Johnson. When we came to find out her father was Stidham —Johnson Stidham.

Q. Did you ever have a child or ward or kin folks by the name of Nellie Davis? A. No sir I nev r did.

Nellie Stidham #3.

It appears from the 1890 authenticated roll of the Creek Nation, Cusseta town, the names of Amanda S. Davis and Nettie Davis appear thereon.

- A. I cannot see how it got put there; I never knew anything about that name; I think that by her living with me some Indian called her Davis, but I don't know anything about that.
- Q. It is your belief then that the name of Nettie Davis was meant and intended for Nellie Stidham? A. That is what I cannot help but think; it being named Davis someone set it down and put Davis to it; I don't know how that came.
- Q. You think there must have been a mistake in putting down Nettie Davis instead of Nellie Stidham? A. I think there must have been. That is all the mistake I ever knew; she thought it was Nellie Johnson; she was small and came to find out her father was Stidham, only his given name was Johnson.
- Q. The name of Manda L. Davis and Nettie Davis appear on the 1895 authenticated roll of the Creek Nation, Cusseta town, do you have any reason to believe that Nettie Davis was meant for Nellie Stidham? A. Yes sir I think it must have been.
- Q. You drew money for no one else at that time? A. I have drawn money for anybody else at all.
- Q. It is your belief then that an error was made then in putting down the name of Nettie Davis? A. Yes sir.
- Q. You recognize Nellie Stidham who makes this application for enrollment as a citizen of the Creek Nation as the child you have brought up since 1885? A. Yes sir she has lived right with me ever since I have resided here.
- Q. It also appears on the 1895 authenticated roll of the Creek Nation for Cusseta town after the name of Nettie Davis a notation has been made with a lead pencil which was undoubtedly done by the Creek authorities, that Nettie Davis is dead, do you have any reason to account for that? A. No sir I don't know anything about that.
- Q. You never had in your family any one by the name of Nettie Davis? A. No sir.
- Q. This is the only child you ever brought up. A. Yes sir the only child I have raised.
- Q. This is the only girl you have had? A. Yes sir.
- Q. Can you recognize Nellie Stidham as the same person referred to on the 1890 and 1895 authenticated rolls of the Creek Nation as Nettie Davis? A. I cannot help but think it was meant for Nellie Stidham, she was living with me at the time and it would be an easy matter to have made an error in giving in the name as Nettie Davis. This is the same girl I took to raise and she has been living with me ever since.
- Q. How long has Nellie Stidham resided in the Creek Nation? A. I moved to this country in 1895. I moved to Texas and lived there about 46 years and moved back here after my husband died in 1895.
- Q. Did you bring Nellie Stidham with you in 1895? A. Yes sir.
- Q. Has she lived here in the Creek Nation with you ever since? A. Yes sir.
- Q. It appears, Mrs. Davis, Nellie Stidham has been enrolled as a citizen of the Seminole Nation under the name of Nellie Johnson, can you give any explanation of that fact? A. No sir I cannot tell anything about how came that at all.
- Q. Did you ever draw any money for Nellie Stidham in the Seminole Nation? A. They said that she drew money but didn't get it; I think she got it one, it was sent to her by some one; I don't know how, she drew it in the Creek Nation too.
- Q. You don't know whether either Nellie's father or mother are citizens of the Seminole Nation? A. No sir I never heard about their being citizens of the Seminole Nation.



Nellie Stidham #5.

Q. You dont know then how to account for the fact that her name appears on the Seminole rolls? A. No sir I have no idea how on earth the name got on that roll.

Q. Do you know what proportion of Greek blood Nellie Stidham claims? A. Well her father was Greek and had some white blood in him and her mother was Greek; I think she was said to belong to the Hitchetes, they used to have a Hitchete town.

Q. Did they belong to that town? A. I cannot tell that; this woman told me she was full blood; I dont know how much Indian blood she had; I dont know about that.

Q. You think then her father was nearly a full blood Greek Indian? A. I dont know only he was tolerbly fair; you know those Stidhams were tolerbly fair.

Q. You dont know very much about the matter? A. No sir I never seen her at all. Never seen her father or mother either; she was quite small when her mother died. An old lady took her and raised her until I got her; she has never been in the Seminole Nation in her life. They were living in the Creek Nation and were Greeks you know.

Q. Did you ever hear of a Greek citizen by the name of Poskoffer? A. No sir.

\*\*\*\*\*

E. Hastain, having been first duly sworn, upon his oath states that as stenographer to the Commission to the Five Civilized Tribes, he reported in full all proceedings had in the above entitled cause on the 4th day of September, 1900, and that the above and foregoing is a full, true and correct transcript of his stenographic notes, of said proceedings on said date.

E. Hastain

Subscribed and sworn to before me this the 11th day of September, 1900.

  
\_\_\_\_\_  
Acting Chairman.



Department of the Interior,  
Commission to the Five Civilized Tribes,  
Muskogee Land Office, September, 5th 1900.

\*\*\*\*\*

the matter of the application of Nellie Stidham, for enrollment as a citizen of the Creek Nation.

\*\*\*\*\*

Nellie Stidham, being duly sworn by Acting Chairman Bixby, testified as follows:-

By the Commission-

- Q. What is your name? A. Nellie Stidham.
- Q. What is your name? A. About 23 years old.
- Q. What is your post-office address? A. Muskogee, Indian Territory.
- Q. You are applying for enrollment for yourself as a citizen of the Creek Nation? A. Yes sir.
- Q. Have you ever been recognized by the tribal authorities of the Creek Nation as a citizen thereof? A. Yes sir.
- Q. Have you ever been enrolled by the tribal authorities of the Creek Nation as a citizen thereof? A. Yes sir, I understand that I have.
- Q. Does your name appear upon any of the tribal rolls of the Creek Nation? A. Yes sir I understand that it does.
- Q. To what town in the Creek Nation do you belong? A. Cussehta town; I have been told that I belonged to Cussehta town.

The authenticated rolls of the Creek Nation, Cussehta town, for 1890 examined, and the name of Nellie Stidham not found thereon. Also the authenticated rolls of the Creek Nation for the year 1895, Cussehta town, examined and the name of Nellie Stidham not found thereon.

- Q. Did you receive any money from the Creek Nation in the year 1890. A. I don't know whether I did or not.
- Q. Did you ever receive \$29.00 from the Creek Nation? A. Yes sir.
- Q. Who gave you that money? A. Mrs. Davis.
- Q. Her name is Amanda S. Davis? A. Yes sir.
- Q. She is the lady that adopted you and brought you up? A. Yes sir.
- Q. How long have you lived with Mrs. Davis? A. I don't know.
- Q. You was a little child when she took you? A. Yes sir.
- Q. Have you any idea how old you was when she took you? A. 7 or 8 years old.
- Q. Have you lived with her ever since? A. Yes sir.
- Q. Were you ever called Nettie Davis? A. No sir.
- Q. It appears from the authenticated roll, Cussehta town, for the year 1890, that the names of Manda S. Davis and Nettie Davis are there together, do you have any reason to believe that Nettie Davis was intended for you? A. I cannot say.
- Q. Did you ever hear of any person named Nettie Davis? A. No sir.
- Q. Did Mrs. Davis have any other daughters or wards living with her besides yourself? A. No sir.
- Q. Did you receive \$14.40 from the Creek Nation in 1895? A. Yes sir; they say I did, but I have forgotten if I did.
- Q. Who would have given you the money at that time? A. Mrs. Davis.

Authenticated roll of the Creek Nation for the year 1890, Cussehta town, examined and the name of Nettie Davis, together with that of Manda S. Davis were found thereon on page 83, also the authenticated tribal roll of the Creek Nation for the year 1895 Cussehta town, examined and the name of Nettie Davis, together with that of Manda L. Davis found thereon at numbers 297 and 298.

- Q. How long have you resided in the Creek Nation? A. About four years since I came back from Texas.

Nellie Stidham # 2.

- Q. You lived in Texas before that? A. Yes sir.  
Q. Have you resided here continuously for the last four years?  
A. Yes sir.  
Q. What is the name of your father? A. Johnson Stidham.  
Q. Is he now living? A. No sir.  
Q. Was he a recognized citizen of the Creek Nation? A. Yes sir.  
Q. Do you know about what year it was that Mrs. Davis adopted you?  
A. I think it was in 1885.  
Q. Was your mother a recognized citizen of the Creek Nation? A. Yes sir, I have been told so.  
Q. Do you know whether your father's or mother's name appears upon any of the tribal rolls of the Creek Nation? A. I don't know.  
Q. You have been enrolled as a citizen of the Seminole Nation, have you not? A. I hear that my name was on the Seminole Nation roll.  
Q. Did you ever appear before the Commission and make application for enrollment as a citizen of the Seminole Nation? A. No sir.  
Q. You participated in the payment made in the Seminole Nation, did you not? A. Yes sir.  
Q. You are advised, Miss Stidham, that Section 21 of the Act of Congress, entitled, "An act for the protection of the people of the Indian Territory and for other purposes", approved June 28th 1898 contains the following provision:


"The several tribes may, by agreement, determine the right of persons who for any reason may claim citizenship in two or more tribes, and to allotment of lands and distribution of moneys belonging to each tribe; but if no such agreement is made, then such claimant shall be entitled to such rights in one tribe only, and may elect in which tribe he will take such right; but if he fail or refuse to make such selection in due time, he shall be enrolled in the tribe with whom he has resided, and there be given such allotment and distributions, and not elsewhere." ? A. I understand that such a provision exists.

You will be furnished at a later date with a copy of the decision of the Commission with reference to the application made by you at this time for your enrollment as a citizen of the Creek Nation, mailed to your present post-office address at Muskogee, Indian Territory. The Commission will transmit all such memorandum of this application as has been taken at this time, together with a copy of the testimony which has heretofore been taken by this Commission in the matter of your application for your enrollment as a citizen of the Creek Nation and also a copy of its decision in regard to your application to the Honorable Secretary of the Interior, when the final rolls of citizens of the Creek Nation are sent to him for consideration and approval.

Charles von Weise having been first duly sworn, upon his oath states that as stenographer to the Commission to the Five Civilized Tribes, he reported in full all proceedings had in the above entitled cause on the 5th day of September, 1900, and that the above and foregoing is a full, true and correct transcript of his stenographic notes taken of said proceedings on said date.

Chas. von Weise

Subscribed and sworn to before me this the 11 day of Sept., 1900.

  
Acting Chairman.

Department of the Interior.  
Commission to the Five Civilized Tribes.

In the matter of the application of Nellie Stidham for enrollment as a citizen of the Creek Nation.

STATEMENT OF FACTS.

The evidence in this case shows that Nellie Stidham is a full blood Creek Indian; that her father, Johnson Stidham, and her mother, whose name is not remembered by the witnesses, were both full blood Creek Indians, and members of Hitchity Town of the Creek Nation.

That Nellie Stidham is the identical person under the name of Nettie Davis, who together with her guardian, Amanda S. Davis, appears on the authenticated 1890 Creek Roll, (Page 83), and the authenticated 1895 Creek Census roll of Gussetta Town (Nos. 297 and 298).

It also appears that Nellie Stidham is the identical person whose name appears upon the rolls of the Seminole Nation, as Nelly Johnson. That the name of her mother was placed upon the Seminole Roll by one Poscofer, a Greek citizen, in anticipation of a Seminole payment; and that by reason thereof, the name of Nelly Johnson was carried upon the Seminole Roll as a citizen of said Nation.

JUDGMENT.

It is, therefore, the opinion of this Commission that Nellie Stidham, under the name of Nelly Johnson, was enrolled as a citizen of the Seminole Nation without authority of law; that the said Nellie Stidham is a bona fide citizen of the Creek Nation, duly recognized and enrolled as such, and that her name should be listed for enrollment by this Commission as a citizen of the Creek Nation, and it is so ordered.

Commission to the Five Civilized Tribes.

Assistant Chairman.

Commissioner.

Commissioner.

Dated at Muskogee, I. T.  
Sept. 15th, 1900.

COPY

Muskogee, Indian Territory, January 10, 1908.

The Honorable,

The Secretary of the Interior.

Sir:

There is herewith transmitted the record of proceedings in the matter of the application of Nellie Stidham for enrollment as a citizen of the Creek Nation, including the decision of the Commission dated September 13, 1900, enrolling said applicant as a citizen of said nation.

Respectfully,

T.B.Needles

Commissioner in Charge.

Through the Commissioner  
of Indian Affairs.

1 enclosure.  
Creek -44

COMMISSIONERS  
HENRY L. DAWES,  
TAMS BIXBY,  
THOMAS B. NEEDLES,  
C. R. BRECKINRIDGE.

ALLISON L. AYLESWORTH,  
SECRETARY.

DEPARTMENT OF THE INTERIOR,  
COMMISSION TO THE FIVE CIVILIZED TRIBES.

C O P Y .

ADDRESS ONLY THE  
COMMISSION TO THE FIVE CIVILIZED TRIBES

Muskogee, Indian Territory, September 14, 1900.

Nellie Stidham,

Muskogee, Indian Territory.

Dear Madam:

You will find herewith a copy of the decision of the Commission in the matter of the application made by you for enrollment as a citizen of the Creek nation. You will note that the Commission finds that you are entitled to enrollment as a citizen of the Creek Nation.

Respectfully,

Tams Bixby,

Acting Chairman.

Enc.

60-

Registered letter.

COPY

Muskogee, Indian Territory, January 20, 1902.

A. P. McKellop, Esq.,

H. G. Reed, Esq.,

Attorneys for the Creek Nation,

Muskogee, Indian Territory.

Gentlemen:

There is herewith enclosed a copy of the decision of the Commission to the Five Civilized Tribes in the matter of the application of Nellie Stidham for enrollment as a citizen of the Creek Nation.

The decision, with a copy of the proceedings had in the case, is this day transmitted to the Secretary of the Interior for his review and decision. The final decision of the Secretary will be made known to you as soon as the Commission is informed of the same.

Yours truly,

T.B.Needhams.

Commissioner in Charge.

1 enclosure.  
Mek. & R.(41)  
Registered.



(COPY)

Refer in reply to the  
following: Land  
6032-1902.

Department of the Interior  
Office of Indian Affairs.

Washington, February 18, 1902.

The Honorable

The Secretary of the Interior.

Sir:

There is herewith a report from the Commission to the Five Civilized Tribes dated January 20, 1902, forwarding for the Department's consideration the record in the proceedings in the matter of the application of Nellie Stidham for enrollment as a citizen of the Creek Nation.

The Commission reports that Nellie Stidham is a full blood Creek Indian; that she is the person who under the name of Nettie Davis, together with her guardian, Amanda S. Davis, appears on the authenticated 1890 Creek Roll and the authenticated Creek Census roll of Cussehta Town; that she is the same person whose name appears on the rolls of the Seminole Nation as Nelly Johnson; that the name of her mother was placed on the Seminole Roll by one Poscofer, a Creek citizen, in anticipation of a Seminole payment, and that by reason thereof the name of Nelly Johnson was carried upon the Seminole Roll as a citizen of said Nation.

The Commission is of the opinion, therefore, that Nellie Stidham, under the name of Nelly Johnson, was enrolled as a citizen of the Seminole Nation without authority of law; that she is a bona fide citizen of the Creek Nation and that her name should be listed for enrollment as such.

-2-

The office agrees with the decision of the Commission and recommends that it be instructed to enroll the applicant as a citizen of the Creek Nation.

Very respectfully,

Your obedient servant,

W.A.JONES.

Commissioner.

WCV  
D

3 inclosures.

(COPY)

13891

L.R.S.  
I.T.D.1257-1902.

F.

Department of the Interior.

Washington.

March 4, 1902.

Commission to the Five Civilized Tribes,  
Muskogee, I.T.

Gentlemen:

The Department has considered the application of Nellie Stidham for enrollment as a citizen of the Creek Nation.

It appears that the applicant is a full-blood Creek Indian, and, under the name of Nettie Davis, together with her guardian, Amanda S. Davis, appears on the authenticated 1890 Creek roll and the authenticated 1895 Creek census roll of Cussehta Town. It also appears upon the rolls of the Seminole Nation as Nelly Johnson; that the name of her mother was placed upon the Seminole rolls by one Poscofer, a Creek citizen, in anticipation of a Seminole payment, and that by reason thereof the name of Nelly Johnson was carried on the Seminole roll as a citizen of said nation. You held that the applicant was entitled to enrollment as a Creek citizen, and that her enrollment as a citizen of the Seminole Nation was without authority of law.

The Commissioner of Indian Affairs in letter of February 18, 1902, recommends that your decision be concurred in.

Finding no reason to disturb your decision, it is affirmed.

Respectfully,

THOS. RYAN.

Acting Secretary. EMD.

COMMISSIONERS  
HENRY L. DAWES.  
TAMM SIXBY.  
THOMAS S. NEEDLES.  
C. R. BRECKINRIDGE.

ALLISON L. AYLESWORTH.  
SECRETARY

DEPARTMENT OF THE INTERIOR.  
COMMISSION TO THE FIVE CIVILIZED TRIBES.

REFER IN REPLY TO THE FOLLOWING

(COPY)

ADDRESS ONLY THE  
COMMISSION TO THE FIVE CIVILIZED TRIBES.

Muskogee, Ind.Ter., April 2, 1902.

Nellie Stidham,

Muskogee, Ind.Ter.

Dear Madam:

You are hereby advised that the Secretary of the Interior, under date of March 4, 1902, affirmed the decision of the Commission, dated September 13, 1900, enrolling yourself as a citizen of the Creek Nation.

Yours truly,

C. R. BRECKINRIDGE.  
Commissioner in Charge.

Creek-46.

COH.

COMMISSIONERS  
HENRY L. DAWES.  
TAMM BIXBY.  
THOMAS B. NEEDLES.  
C. R. BRECKINRIDGE.

ALLISON L. AYLESWORTH  
SECRETARY

DEPARTMENT OF THE INTERIOR,  
COMMISSION TO THE FIVE CIVILIZED TRIBES.

(COPY)

REFER IN REPLY TO THE FOLLOWING

ADDRESS ONLY THE  
COMMISSION TO THE FIVE CIVILIZED TRIBES

Muskogee, Ind.Ter., April 2, 1902.

A. P. McKallep, Esq.,

H. C. Reed, Esq.,

Attorneys for the Creek Nation,  
Muskogee, Indian Territory.

Gentlemen:

You are hereby advised that the Secretary of the Interior, under date of March 4, 1902, affirmed the decision of the Commission, dated September 13, 1900, enrolling Nellie Stidham as a citizen of the Creek Nation.

Yours truly,

C. R. BRECKINRIDGE.  
Commissioner in Charge.

Creek-46.

OCH.

DEPARTMENT OF THE INTERIOR.  
COMMISSION TO THE FIVE CIVILIZED TRIBES.  
MUSCOGEE, I. T., JUNE 6th, 1900.

IN THE MATTER OF THE APPLICATION OF Nellie Stidham, for enrollment as a citizen of the Creek Nation., and she being sworn by Commissioner, T. B. Needles, and questioned by W. H. Angell, testified as follows, to-wit:

- Q. What is your name? A. Nellie Stidham.  
Q. What town do you belong to? A. Hitchite.  
Q. How old are you? A. Twenty-two (22).  
Q. What is your Postoffice address? A. Muscogee, I. T.  
Q. What is the name of your father? A. Johnson Stidham.  
Q. What is the name of your mother? A. I do not know what her first name was.  
Q. Your mother died when you were an infant? A. Yes sir.  
Q. Was your father a Creek Indian? A. Yes sir.  
Q. What was your mother? A. A Creek I guess; I do not know.  
Q. With whom have you been living the last two years?  
A. Mrs. Davis.  
Q. Did you go with her to Texas? A. Yes sir.  
Q. How long did you remain with her there? A. Ten or eleven years; I do not remember.  
Q. When did you come back from Texas to the Creek Nation? A. In 1891.  
Q. Did you come back then with Mrs. Davis? A. Yes sir.  
Q. Have you lived with her ever since in the Creek Nation?  
A. Yes sir.  
Q. Do you know how it is that you have become enrolled as a citizen of the Seminole Nation? A. No sir.  
Q. Did you ever live in the Seminole Nation? A. No sir.  
Q. Did you ever know any body by the name of Possofer? A. No sir.  
Q. Did you ever receive any money from the Seminole Nation?  
A. Yes sir.  
Q. When? A. Last year.  
Q. How much did you get then? A. Fifteen (\$15.00) dollars.  
Q. Did you get any money before that from the Seminole Nation?  
A. Yes sir, but I did not get it myself.  
Q. Did you ever receive any money from the Creek Nation? A. Yes sir.  
Q. Do you recollect whether or not the twenty-nine dollars was drawn for you in 1890? A. Yes sir.  
Q. Did you get the money yourself? A. Mr. Callahan drew the money and sent it to me.  
Q. You were living at that time in Texas? A. Yes sir/  
Q. Did you draw the fourteen dollars and forty cents ~~in 1895~~ 1895?  
A. I did not get it, no sir.  
Q. You were in the Creek Nation at that time? A. Yes sir.  
Q. How long ago did your father die? A. I do not know; he died when I was a little child.  
Q. You do not know very much about your parents then? A. No sir.  
Q. When did you draw this? A. Last year.  
Q. Did you live in the Cree  
Q. You never claimed to be  
Q. How did you happen to dr.  
I took it.  
Q. You were born in the Creek Nation, were you? A. Yes sir.  
Q. Did Amanda Davis have any other children living with her when you were with her? A. Yes sir, she had an orphan boy with her.  
Q. Do you know whether Mr. Callahan has any brothers or sisters?  
A. I do not know.

B. B. Callahan, being sworn by Commissioner, T. B. Needles, and examined by W. H. Angell, testified as follows:

- Q. What is your name? A. B. B. Callahan.



Q. Are you a citizen of the Creek Nation? A. Yes sir.  
 Q. What Indian town do you belong to? A. Cussetta.  
 Q. Your Postoffice address is Muscogee? A. Yes sir.  
 Q. Do you know the claimant here, Nellie Stidham? A. Yes sir.  
 Q. Do you know her parents? A. I know her father.  
 Q. Was her father a Creek Indian? A. Yes sir.  
 Q. Was he a full blood? A. I do not know.  
 Q. You did not know her mother? A. No sir; never saw her.  
 Q. Then you do not know whether she was a full blood Creek Indian or not? A. No sir, I never saw her.  
 Q. How did you reach the conclusion that her mother was a Creek Indian?  
 A. From hear say.  
 Q. What town does Amanda Davis belong to? A. Cussetta.  
 Q. If Nellie Stidham belongs to the Hitchite Town, as she states, how was she transferred to Cussetta Town? A. It was done through a mistake; I think the town officials knew of this little girl being with Amanda Davis in Texas, and they put her name down as Nettie Davis without the knowledge of Nellie; I did not know anything about it until the payment came on, until after the roll was made out; the pay master turned the money over to Amanda Davis and turned the money over to me for Nellie Stidham.  
 Q. She got on Cussetta Roll through Amanda Davis? A. Yes sir.  
 Q. Amanda Davis is your mother? A. Yes sir.  
 Q. Did you have any brothers or sisters? A. None living, no sir.  
 Q. What are the name of the ones dead? A. Josephine and Evelyn.  
 Q. Did they die before 1890? A. Yes sir.  
 Q. You had no sisters that would be on the 1890 Creek roll? A. No sir.  
 Q. The name of Nettie Davis appears on the 1890 Roll beneath that of Amanda Davis; can you swear that this Nellie ~~Stidham~~ Stidham is that identical person? A. I infer she is from the fact of her having gotten the ~~money~~ money.  
 Q. Did you draw the money for Nellie Stidham and Amanda Davis?  
 A. Yes sir.  
 Q. Did you draw the money for any others at that time? A. I think I did; I had some kin in Texas; I drew for the Price family and for another family.  
 Q. Did Amanda Davis have any other adopted children? A. No sir, there was an orphan living there, but he was not adopted.  
 Q. She did not have any other girls living with her? A. No sir/  
 R. R. Cravens, being first duly sworn, says that as stenographer to the Commission to the Five Civilized Tribes, he reported the testimony of the foregoing witnesses and that the ~~xxxx~~ ~~xx~~ foregoing testimony is a true and complete transcript of his short hand notes in the above case.

R R Cravens

Sworn to and subscribed before me this 7th day of June, 1900, at Muscogee, Indian Territory.

[Signature]

COMMISSIONER.

COMMISSIONERS:

HENRY L. DAWES,  
TAMM BIXBY,  
THOMAS B. NEEDLES,  
C. R. BRECKINRIDGE

ALLISON L. AYLESWORTH,  
SECRETARY.

DEPARTMENT OF THE INTERIOR,

COMMISSION TO THE FIVE CIVILIZED TRIBES.

ADDRESS ONLY THE  
COMMISSION TO THE FIVE CIVILIZED TRIBES

Muskogee, Indian Territory FEB 1 1902 1902.

Received on this date from the Commission to the Five  
Civilized Tribes a copy of the record of proceedings in the matter  
of the application of Nellie Stidham for enrollment as citizens  
of the Creek Nation.

A. P. M. McCop

Attorney for Creek Nation.

Creek No. 46.

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DEPARTMENT OF THE INTERIOR,  
COMMISSION TO THE FIVE CIVILIZED TRIBES,  
MUSKOGEE LAND OFFICE, FEB. 12, 1900.

In the matter of the application for enrollment of Joseph B. Cox, Guardian of Julia Nevins, Tom Nevins, Webster Nevins, Grant Nevins, Eliza Nevins, Victoria Nevins and Wesley Nevins, minors under the age of 18 years, for enrollment as Freedmen citizens of the Creek Nation:

JOSEPH B. COX, Guardian of the above named persons, being duly sworn by Miss Anna Bell, a notary public, testified as follows:

(By Mr. Dawes:)

- Q Are you related to Ben Nevins? A Yes.
- Q What relation? A Brothers on my mother's side.
- Q Is your mother a citizen of the Creek Nation? A Yes.
- Q Does her name appear on the Dunn Roll? A Yes.
- Q Is Ben Nevins dead or alive? A Dead.
- Q Are you the guardian of his minor children who survive him? A Yes.
- Q Is his wife, the mother of these children, dead or living? A Dead.
- Q Was Ben Nevins enrolled on the Dunn roll? A Yes.
- Q Under what name does he appear on the Dunn roll? A Ben Garrett.
- Q Was he a citizen of the Creek Nation? A Yes.
- Q The children that you are guardian of and that are named in your letters of guardianship are his children, are they? A Yes.
- Q Have you these children in your care and under your supervision and their property and effects as guardian? A Yes.
- Q Are they citizens of the Creek Nation and entitled to be enrolled as such by authority of being the children of Ben Nevins? A I think so.
- Q Were they born and raised in the Creek Nation? A Yes.
- Q Have you leased lands and improvements in your possession left to them by their father in the Creek Nation? A I have.

Q Was their mother an citizen or non-citizen of the Creek Nation?  
A I cannot be positive about that, but don't think she was, am not sure.

Q She was a colored woman was she? A Yes.

Q Did Ben Nevins hold any official position in the Creek Nation at the time of his death? A Yes.

Q What was it? A Representative of Arkansaw Town in the House of Warriors.

Q Did these children draw the Creek payments made recently? A I don't know; that was before I got charge of them.

Q Were you appointed guardian of these children by the Creek authorities prior to your appointment as such by the United States court?  
A Yes.

(By Mr. Abbott:)

Q You are the guardian of Julia Nevins? A Yes.

Q What age? A She's coming 17.

Q Tom Nevins? A Tom Nevins, he must be about 14.

Q Webster Nevins? A He is 12.

Q Grant Nevins? A A He must be 10.

Q Eliza? A She must be about 7 or 8.

Q Victoria Nevins? A A She's 4.

Q Wesley? A About 6 years old.

Q These are the children of what father? A ~~Ben~~ Ben Nevins.

Q Is Ben Nevins a citizen? A Yes, I think so, he has always been called a citizen, and he was a member of Council.

Q Was he a colored man or Creek citizen? A He was a colored man.

Q Do you know whether he was on the Dumm roll? A Yes, as Ben Garrett.

Q Who was his wife? A His wife was Lisa Bruner.

Q She was a colored woman? A Yes.

Q Where, if you know, did he marry her? A Up in the Wewaka country.

- Q In what nation? A It is right on the Greek and Seminole line--  
I was not there at the time.
- Q Do you know whether she was a citizen or not? A I don't know.
- Q What is your best judgment? A I don't think she was a citizen  
of the Greek nation.
- Q Do you know where she was born? A No sir.
- Q Is she living or dead? A She's dead.
- Q When did she die? A A It has been about three years ago, I  
guess. It has been more than that. I couldn't exactly tell but  
she was dead before Ben.
- Q When did Ben die? A I think it was about three years ago.
- Q You say that Ben Nevins is on the Dunn roll under the name of  
Ben Garrett, do you know why this is so? A My mother told me  
when I went to enroll myself that I would find the family by the  
name of Garrett instead of Nevins.
- Q You say the father died first? A The mother died first.
- Q Who had the custody of the children after the mother's death?  
A I did.
- Q You had the custody of the children at the time of the death of  
the father? A It was not long after the death of the father  
that I got possession of them.
- Q Did you take out guardianship papers for them? A Yes.
- Q When was that? A After the death of the father and the mother  
both in the Greek court.
- Q Do you still have custody of these children? A Yes.
- Q And have had since taking out guardianship papers in the Greek  
court? A Yes.
- Q Are any of these children married? A No.
- Q Are they with you now? A What is not with me is with my mother.
- Q What relation are you to Ben Nevins? A Half brother on my mother's  
side.



Q ~~Remember~~ Do you know as a matter of fact that these children drew ~~any~~ at any of the payments of the Creek Nation? A I do not know.

Q Were they citizens of the Creek Nation? A Ben was, I know.

Q After Ben married his wife did they live together? A Yes.

Q Where did they live from the time of their marriage to the time of his death. A Most of the time they lived in the Creek Nation.

Q And part of the time they lived in the Seminole Nation? A Yes.

Q When was that? A That was when they were first married- it must have been 16 or 20 years ago.

Q Did you know them at the time of their marriage- both parties?

A Yes, after they were married.

Q How much of the time did they live in the Seminole nation? A I do not know exactly- I did not live there altogether myself, I stayed around here right smart of the time.

Q Where do you live now? A I live where Ben did when he died. We live northeast of Wewaka in the Creek Nation, and have lived there about 12 or 15 years.

Q You do not know as a matter of fact whether these children have ever been placed on the rolls? A No.

Q Do you know whether they have ever drawn any money or not? A No.

Q If they were not enrolled and did not draw money, do you know why? A No. I went to the Dawes Commission to enroll them, but they would not enroll them because they could not find their mother. So many others tried to enroll themselves and failed that I did not think worth while to try.

Q Did you make application to the Dawes Commission before this date for the enrollment of these children? A Yes.

Q State when that was? A I could not tell as to the date and time, but it was at Wewaka.

Q What year? A It hasn't been over two years ago.

Q Did they refuse these children enrollment? A Yes, I went there and asked them to enroll them, and they claimed they had to go by their mother and their mother was not on the roll, and they would not enroll them.

Q Did you tell them that their father was a Dunn Roll person and they refused to enroll them? A Yes.

Q Where were these children living on the 28th day of June, 1898?  
A. They were living right where they are now, 12 miles northeast of Wewaka in the Creek Nation with me and my mother.

Q And have lived there ever since? A Yes. We have had them down here to school.

(By Mrs. Rogers:)

Q Are these children that you have of Ben Nevins as your wards the only children left by Ben Nevins? A No.

Q He had other children? A Yes.

Q Who are they? A Katie, Mary and Lula, and there is another one they claim to be his-- I could not say.

Q Was the mother of Katie, Mary and Lula the same mother of these children that you have in your care? A No sir.

Q Who was the mother of Katie, Mary and Lula? A I don't know.

Q Is Katie, Mary and Lula on the roll? A I don't know.

(By Mr. Abbott:)

Q What was the mother named of your wards? A Eliza.

Q Do you know where she came from here? A I don't know, I think she was raised in the Creek Nation though.

Q Do you know whether she was a Creek citizen or a Cherokee citizen? A They claim she was a Creek citizen and they had some confusion about, and it was also claimed by the grandmother of the mother of these children, she was a Seminole citizen, and they threw her off the rolls in the Seminole nation-- that was what my brother told me.

Q You know nothing except what your brother told you? A Yes. (Ret)

Q Isn't that the reason these children were rejected by the Dawes Commission that the mother of these children was a Seminole citizen? A A It might be, but I don't know. They told me to come back while they were at Okmulgee and I now did come back until now.

Q Why is it that you did not appear before the Dawes Commission before this time and ask for the enrollment of these children?

A Because I did not think I could get them in so many people were rejected.

Q Do you know Ben Nevins and Benn Garrett to be one and the same person? A That is what I have been told by Ben Nevins and my mother.

Q Your mother told you, and Benn Garrett told you, that Ben Nevins was on the Dunn roll as Ben Nevins? A Yes.

Q Do you know of any other person on the Dunn roll by the name of Ben Garrett? A No.

(By Mrs. Rogers:)

Q Is your mother and Ben Nevins mother the same? A Yes.

Q Is she living? A Yes.

J. P. DAVISON, being sworn, testified:

(By Mr. Dawes:)

Q What relation are you to Ben Nevins? A I am his uncle - his mother's brother.

Q How long did you know Ben Nevins? A I believe I knew him ever since he <sup>first</sup> came into the world.

Q What name did he go by in his youth? A Ben Garrett.

Q Here? A Yes, his mother married a Garrett, one of Colonel Garrett's ~~men~~ colored men shortly after he became agent, and before that Mary, his mother, went by Mary Hawkins, her owner's name, before her marriage, and after her marriage she went by Garrett

and we just called Ben Ben then and when they went to make the Dunn roll we just put them down by that name, Mary Garrett, Johnny Garrett and Ben Garrett- two boys she had.

Q Do you know when Ben changed his name from Ben Garrett to Ben Nevins? A After we established an agency in the Creek Nation and we sent him to school and gave him his father's name. His father was John Nevins and lived in the "pint" and died sometime ago.

Q Then it was during the time that Ben was at the old agency school that his name was changed from Garrett to Nevins, taking his father's name? A Yes.

Q And since that time has been known as Ben Nevins? A Yes.

Q You know then of your own personal knowledge that the name ~~Ben~~ Ben Garrett that appears on the Original Dunn roll with Mary Garrett, John Garrett, Ben Garrett, Julia Gibson, Jennetta Gibson and Ned Gibson, is the identical same person as Ben Nevins? A Yes. Ned is a brother of mine. Jennetta is a sister of mine? Julia is my mother there.

Q How was Julia Gibson and Mary Garrett sisters? A Julia Gibson is the mother of Mary Garrett.

Q Do you know the following named persons to be the children of Ben Nevins, to-wit: ~~Ben~~ Julia Nevins, Tom Nevins, Webster Nevins, Grant Nevins, Eliza Nevins, Victoria Nevins, Wesley Nevins? A Well from what they ~~said~~ said Ben and his wife they came here and stayed with us two or three weeks with a whole lot of little kids, and they said "These are my children"-- they both said that.

Q Had them with them? A No, not all of them-- one or two might have been born afterwards.

Q When was that that they were at your house with these children? A. It must have been 10 or 12 years ago, I don't know exactly.

Q Was it at the time that you had the trial with Ned Gibson with reference to your mother's property? A It was away before that.

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Q You had that trial in '94 I believe? A I think so; I believe it was '93.

Q Where had Ben lived the greater part of the time after leaving school until his death? A He went out to the Seminole Nation and got to teaching school in the Seminole country, and he might have taught there two or three years; there was where he got married to this girl. His mother moved to the Creek Nation and he went to and lived in the Creek Nation 12 miles this side of Wewaka in the Creek Nation until he died.

Q How did he die? A He got killed by a man at Okmulgee.

(By Mr. Abbott:)

Q There is no question of doubt but what Ben Garrett and Ben Nevins are one and the same person in your mind? A No sir, I gave the name as Ben Garrett when they were making the Dunn roll myself.

Q Do you know these children who make application here to be the children of Ben Nevins? A Yes, I know them to be his children by what he said, he and his wife.

Q Did you know the wife, the mother of these children? A Yes.

Q Do you know what her citizenship is? A No.

Q What is your understanding with reference to her citizenship?

A Her father and mother, I am told, belonged to the Greeks, in slavery time.

Q What do you mean by her father and mother belonging to the Greeks?

A. The father and the mother of the wife of Ben Garrett or Ben Nevins, it was a question as to whether they belonged to the Greeks or Seminoles, or where they belonged.

Q Do you know where they resided at the time of her marriage to Ben Garrett or Ben Nevins? A I do not.

Q Do you know where he married her? A I heard he married her in the Seminole Nation.

- Q Do you know whether or not she was on the Seminole rolls? A No.
- Q Do you know whether or not the children that now seek for enrollment were ever on the Seminole rolls or drew money in the Seminole nation? A I do not know .
- Q Have you ever heard that the mother of these children was on the Seminole rolls? A I don't know.
- Q -Have you ever heard that their names appear upon the Creek rolls or that they have ever drawn money in the Creek Nation? A It seems like to me we put them on the Creek rolls before "Spi" came in 5 or 6 years ago. Their names were given to me and I gave them to old man William McIntosh (our town king) to enroll them and he told me he had enrolled them.
- Q Was that before the last payment? When was the last payment made? A. I don't recollect.
- Q There was a '95 payment was there not? A It might have been that year.
- Q There was also a 90 payment was there not? A It might have been in 1890 I don't recollect the year.
- Q Do you know whether these children or anyone of them drew through the 90 or 95 payment? A No sir, I don't know.
- Q And if they did not you do not know why they did not? A Their father was living then.
- Q When did their father die? A It seems to me this last fall here will be three years ago.
- Q Do you know who has had charge of these children since the death of the father and mother? A Joseph B. Cox.
- Q All the time? A Yes.
- Q Have they all the time resided in the Creek Nation since his guardianship. A Yes, I would go out there and see them with my sister Mary with Joe, and I had some of them in school at Pecan



Greek Mission.

- Q Do you know the children by his other wife? A Yes.
- Q Are they on the rolls? A Yes, they are on the Greek rolls.
- Q Was their mother a Greek citizen? A Yes. I think you will find her on the Damm roll.

JOSEPH B. COX, recalled by Mr. Dawes, testified:

- Q Have you the letters of guardianship over these children granted to you by the Greek authorities? A Yes.
- Q Produce them? (Witness does so and same are offered in evidence by Mr. Dawes and marked "Ex.A.")
- Q Have you some lands, improvements, etc., belonging to these children in the Greek Nation, left to them by their father? A Yes.
- Q Improvements covering how much land? A One farm covers four quarter sections and another one one.

(By Mr. Abbott:)

- Q Do you know whether or not anyone attempted to enroll these children in the Seminole Nation? A Their grand-mother attempted to enroll them in the Seminole nation.
- Q When was that? A I could not tell.
- Q Was it after the death of the father and mother? A They had been enrolled in the Seminole Nation and they threw them off, and I took them and tried to get them enrolled here and they were rejected and then the grandmother tried to have them enrolled in the Seminole nation.
- Q Were they rejected by the Seminole Nation when the grand-mother took them? A Yes, that's what I have been told, and she was rejected also.

(By Mr. Abbott:)

Julia Nevins, Tom Nevins, Webster Nevins, Grant Nevins and Dolly



Nevis are enrolled in the Seminole nation on freedman Card No. 831, and Wesley Nevis on Freedman Card No. 832.

(By Mr. Dawes:)

- Q Do you know who enrolled these children in the Seminole Nation and ~~when~~ when? A No sir. That is you mean on this last new roll? A Yes. A No sir.
- Q Were you the guardian of these three children in 1897. A I guess so you can tell on this paper.
- Q Did you ever apply for their enrollment in the Seminole Nation as their guardian after you were appointed guardian for them? A. Wewoka is right on the line; ~~as~~ the Creek on one and the Seminole on the other, and they allowed the Greeks to enroll there that was up in that part of the country, and I applied there and tried to get them on the Creek roll at Wetumka, and then I tried on the Seminole roll.
- Q Were they enrolled in the Seminole Nation by your authority as their guardian? A I could not state, I was just trying to get them on the roll in either place, and I did not know I had got them in.
- Q Where were they raised in-- in which nation? They were raised in the Creek Nation; one or two were born in the Seminole nation, but the balance we all born and raised in the Creek Nation and they all live in the Creek Nation now.
- Q They have attended the public schools in the Creek Nation? A Yes.
- Q They have property in the Seminole Nation? A No sir. The property they have in the way of improvements, live stock, etc., is in the Creek Nation.
- Q You desire as their guardian to have them enrolled and select land for them in the Creek Nation? A Yes.
- Q For what reason? A Because there are lands in the Creek Nation that are improved and they can get the benefit of it, and

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their father was a Dunn roll citizen.

Q You did not know until this time that they were enrolled as Seminole citizens since you became their guardian? A No sir.

(Guardianship papers returned to Guardian Cox).

Department of the Interior.

Commission to the Five Civilized Tribes.

I hereby certify, upon my official oath as stenographer to above named Commission, that this transcript is a true, full and correct translation of my stenographic notes.

Brown McConnel

DEPARTMENT OF THE INTERIOR,  
COMMISSION TO THE FIVE CIVILIZED TRIBES,  
MUSKOGEE LAND OFFICE, Feb. 19, 1900.

In the Matter of the Application for Enrollment  
of Victoria Nevins, as a Citizen of the Creek  
Nation.

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Joe B. Cox, being first duly sworn, testified as follows:

By Mr. S. B. Daves:

- Q You are the guardian of the child Victoria Nevins, by appointment in the United States Court? A Yes sir.
- Q How old is that child, as near as you can get at it; it is put on the card at three years? Is that right? A Yes, about right; I don't know the exact age, but it is somewhere about there.
- Q Is she the youngest child of Ben Nevins? A Yes sir.
- Q Who was Ben Nevins? A He was a Creek freedman, my brother.
- Q What is the name of the mother of this child? A Cornelia; Cornelia Williams she is now.
- Q Was she and Ben Nevins cohabiting together over in that country? A Yes sir.
- Q She was considered in that country as Ben's wife? A Yes sir.
- Q And supported by him? A Yes.
- Q And the child was supported by him from the time of its birth until his death? A Yes sir.
- Q After his death what became of the child? A The Creek judge over there came to appoint a guardian of the property of Ben Nevins, and he appointed me as 'his little girl's guardian; I had the little child there, and had the property of the child before he dies, and I was appointed guardian for it, and the share in his property.
- Q How long did Ben and this woman live together over there? A About six months; this child was born before Ben's death; it was a little baby when he died; he drew for the child, the last payment.
- Q How long before the death of his former wife did he take up with this woman? A About 2 years I guess; I don't know exactly; not shorter than two years.
- Q How long had his former wife been dead before his death? A Two years and some months.
- Q So the child was quite small when he died? A Yes, just a little baby when he was killed; I think the payment was sometime in the fall; this payment was somewhere in the fall; he got the money, and that same fall Ben got killed; I think on the 10th of November he got killed.
- Q Everybody in the country considered this as his woman, and he was providing for her? A Yes sir.
- Q She was a non-citizen? A She was a non-citizen; she never had established her rights in the Nation.
- Q It is the youngest of any of his children? A Yes sir.

By Col. Needles:

- Q Was Ben Nevins married to this woman? A No sir.
- Q How long did he live with her? A About a year or more.

b Two years.

- Q At his home or her home? A From my house and on back up to my mother; Ben didn't have any home; he was living with my mother.
- Q Where was the woman living? A She stayed with me and her mother.
- Q Were they considered as husband and wife? A I don't know whether it is considered husband and wife, but she was considered as his woman.
- Q You don't know whether this is Ben Neven's child or not? A From the resemblance of the features, I think it is; Don't know of anyone else being with the woman.
- Q How long had they lived together? A A year or two.
- Q That is, off and on? They never lived together like our people do when they are married? A I can't tell; I never kept up with it.
- Q She had this baby, and it was reported it was Ben Nevens'? A Yes, he acknowledged it and supported it.

By Mrs. Rogers:

- Q How old is the child? A I don't know the exact age. If you give me a little time I can go back and produce evidence.
- Q You don't know how old the child is? A Three years or a little over.
- Q Born after Ben died? A No, before he died; it is over three years old, but how much I don't know.
- Q When did he live with her? A After his first wife died.
- Q When did his first wife die? A His first wife died about two years and a half before he died.
- Q And the child is about three years old? A Yes, a little over; might be four; I don't exactly know; never took any particular notice or kept any particular account; it is over three I know because the child was born, and its name is on the roll. Ben drew \$14 for it at the \$14 payment.
- Q Can you swear to that? A I can swear he said so. And gave the money to this woman.
- Q When did you see Ben after that? A I seen him home; he went home and stayed there 2 or 3 days from the council before he was killed.
- Q You know when Ben was killed? A Yes, it was the 10th of Nov.
- Q What year? A I have forgotten now.

By Mr. Daves:

- Q Did this woman have any other man during the time she and Ben were together? A No.

By Col. Needles:

- Q How do you know? Did you see her every day and every night?
- A No, not every day and night; she stayed at my place.

By Mrs. Rogers:

I object on part of the Creek Nation, to the taking of testimony in the above entitled matter, for the reason that the Nation is not prepared to go into it at the present time.

Case continued indefinitely for the taking of further testimony.

Dec 12 1891  
I hereby certify that the foregoing is a true, full and correct translation of the stenographic notes.  
J. R. Rogers

Dec 12 1891  
I hereby certify that the foregoing is a true, full and correct translation of the stenographic notes.  
J. R. Rogers

Department of the Interior,  
Commission to the Five Civilized Tribes,  
Muskogee, I. T. September, 25th 1900.

In the matter of the application of Joseph E. Cox, Guardian, for  
the enrollment of:

JULIA NIVEN,	
TORR	"
WEBSTER	"
GRANT	"
ELIZA	"
VICTORIA	"
and WESLEY	" as citizens of the Creek Nation.

CORNELIA WILLIAMS being first duly sworn testified as follows:

Examination by S. B. Dawes, attorney for applicants:

- Q. What is your name? A. Cornelia Williams.  
Q. Where do you live? A. In the Creek Nation.  
Q. What is your post office address? A. I live near Beardon, Ind. Ter.  
Q. Are you a citizen of the Creek Nation? A. No sir.  
Q. A Non-citizen? A. Yes sir.  
Q. Are you the mother of Victoria Niven? A. Yes sir.  
Q. When did you come to the Creek Nation? A. In 1894.  
Q. What part of the year? A. Early part.  
Q. Did you ever live with Ben Niven as his wife? A. Yes sir.  
Q. When and where? A. Latter part of 1894.  
Q. How long did you live with him? A. Over a year, going on two.  
Q. From the latter part of 1894 to his death? A. Yes sir.  
Q. Did you live with him as his wife and was you recognized in the community as his wife? A. Yes sir.  
Q. Was this child Victoria born to you while you and Ben were living together? A. Yes sir.  
Q. Did Ben support you and the child, as men usually support their family? A. Yes sir.  
Q. Did you have any other man, or sustain such relations with any other man during the time that you and Ben lived together? A. No sir.  
Q. You say that your name is Cornelia Williams now? A. Yes sir.  
Q. When did you marry the man that you now have? A. Last year.  
Q. This child Victoria, was she born and raised in the Creek Nation? A. Yes sir.  
Q. Did Ben Niven recognize her as his child, and have her placed on the rolls, that you know of? A. Yes sir.

By the Commission:

- Q. When was Victoria born? A. In September, 1895.  
Q. When did Ben Niven die? A. In November, 1896.  
Q. Did you live with Ben Niven up to the time of his death? A. Yes sir.  
Q. Where did you live with him? A. At Joe Cox's place up to his death.

Q. Where was Ben Nivens himself living at that time? A. He was staying there.

Q. All the time? A. Yes sir, he had no place of his own.

Q. And all the time that you were living with him you were living at Cox's place? A. Yes sir.

Q. Did you ever leave there during that time? A. Yes sir, sometimes I would go home to mamma's.

Q. How long did you stay at your mother's when you went there? A. Sometimes two weeks.

Q. Were you ever married to Ben Nivens? A. We were living together as man and wife, just like lots of others lived there..

Q. You were not married you say? A. Yes sir, called married.

Q. Who married you.

Q. No one ever married us, but we lived as husband and wife.

Q. Then nobody performed any marriage ceremony at all? A. No sir.

Q. Did you know any other woman that Ben Nivens claimed as his wife about the time that you began living with him? A. No sir.

Q. Do you know the child Wesley Nivens? A. No sir.

Q. Did you know any other children of Ben Nivens besides Wesley Nivens? A. Yes sir I have seen them—I have heard talk of this one but I have never seen her.

Q. Were any of these children living with Ben Nivens at the time you began to live with him? A. Yes sir.

Q. Which ones? A. Julia, Tom and Webster.

Q. In what year was it that you began to live with Ben Nivens? A. Latter part of 1894.

Q. Where were you then? A. In the Creek Nation.

Q. Who were you living with? A. I lived with my sister.

Q. How far from where Joe Cox lived? A. Joe Cox was my brother in law.

Q. How long had you been staying with your sister and Joe Cox before you and Ben began living together? A. 3 or 4 months.

Q. Had he been living there at that time? A. Yes sir his mother staid right close there.

Q. Did Ben Nivens introduce you to anybody as his wife? Yes sir.

Q. To who? A. To several people; Mr. Wisner for one.

Q. Where was that? A. Creek Nation.

Q. At his house? A. At Joe Cox's place.

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HENRY WISNER, being duly sworn testified as follows:

By Mr. Dawes attorney for applicants.

Q. What is your name? A. Henry Wisner.

Q. Do you know this woman Germaine Williams? A. Yes sir.

Q. Do you know her to be the mother of Victoria Nivens? A. Yes sir.

Q. How long have you known her? A. 9 or 10 years.

Q. Do you know about the time that she and Ben Nivens lived together as man and wife in the Creek Nation? A. Yes sir.

Q. About how long did they live together as man and wife prior to Ben's death? A. A Year or longer: I think Victoria was a year old before he was killed.

Q. Did they live together in the same manner and conduct themselves as any other man and wife would? A. Yes sir, Ben held her out as



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his wife.

Q. You say that he held her out as his wife? A. Yes sir.

Q. Did he introduce her as such? A. Yes sir.

Q. Did he support her? A. Yes sir.

Q. Did he have any other wife at that time? A. No sir, she had been dead.

Q. How long had she been dead before they took up? A. Some time.

Q. Did he ever tell you that this was his wife? A. Yes sir.

Q. Why was he living at Cox's place? A. He had rented out his places at that time; he had two of them and he had rented both of them out, and staid with his brother Joe Cox.

Was he intending to make another home for himself and this woman during the time that he lived with her at Cox's? A. Yes sir he expected to build one.

Q. What had he done toward making this home if anything? A. He had started a little house close to his farm, when the Council went into secession and he came to Okmulgee to council, being a member of Council and he got killed there.

Q. Did he buy any trees or attempt to plant an orchard on this new home he was starting? A. Yes sir, he had bought a lot of trees; he and him went in together and bought about 150 trees from a nursery man, Peach, apple and other trees, and he was going to plant them on his place in the Spring—I think that they are out at his mother's place yet.

Q. Did you ever hear him say that this child Victoria was his child? A. Yes sir, and he taken care of it.

Q. Do you know whether or not Ben had this child Victoria enrolled in the year 1895, and whether he drew the money for it? A. He said he did—he made an effort to do it.

Authenticated 1895 Creek census roll of Arkansas town examined and the name of Bennie Nivens, together with the name of Katy Nivens appears thereon, and accompanying said names there is entered on said roll in lead pencil the name of Jessie Nivens, followed by the words "new born", and the name of Victoria Nivens followed by the words "omitted new born".

1895 Creek pay roll of Arkansas town examined and the name of Bennie Nivens and Katy Nivens appear thereon numbered respectively 69 and 70, but the name of Victoria Nivens does not appear upon said roll.

By Mr. Daves, attorney for applicants—

Q. I will ask you if they were considered as man and wife by the neighbors in the community? A. Yes sir.

GOODY JOHNSON being duly sworn testified as follows:

Examination by Mr. Daves attorney for applicants.

Q. What is your name? A. Goody Johnson.

Q. Did you know Bennie Nivens and the woman that lived with him last?



4.

A. Yes sir.

Q. Her name is Cornelia Williams, is it not? A. Yes sir.

Q. Did you know them when they lived together as man and wife a while before his death? A. Yes sir.

Q. Do you know that he recognized her as his wife? A. He did.

Q. Is she the mother of Victoria Smith? A. Yes sir.

Q. Did he recognize her as his child? A. Yes sir.

Q. Were they recognized by the community as man and wife? A. Yes sir.

By the Commission:

Q. How close to Ben Wivens and this woman when they lived together did you reside? A. About six miles west of them.

Q. How often did you see them during that time? A. Ben lived there from 1884 up to his death—I was appointed inspector of the Newoka District, and he was my clerk and I seen him nearly every day.

Q. How often during that time were you at his house? A. Pretty frequently—every time I started on a trip through the district I would come up to his house and we would make the trip together and in that way we were together a good deal.

Q. Did he ever say anything to you about this woman being his wife?

A. Yes sir we talked together about it some and I scolded him some about the way he was living and he said that that was the only way he had ever lived with any woman.

Q. What do you mean when you say "You scolded him about the way he was living with her"? A. I didn't exactly scold him but I used to tell him he ought to get married in the regular way, that a man of his standing and enlightenment and position ought to do different, and his answer always was that this was the way he had lived with the other woman and that it was all right—I supposed he spoke of his former wife with whom he lived like he did with this woman.

Q. Which former wife do you speak of? A. Eliza Bruner.

Q. How many other women had he lived with prior to living with this Cornelia Williams? A. Only one that I know of as his wife.

Q. Do you know any of the older children of Ben Wivens? A. Yes sir.

Q. Which of these did he have by the woman called Eliza A. Wivens? A. I think—no sir I will take that back it was the three oldest ones and not Eliza.

Q. Which ones? A. Katy, Mary and Lulla—these children were begotten by him before he moved out to the Newoka country.

Q. Who was Katy's mother? A. Her name was Topsy, a black woman, she used to live with Ben's grandmother and I guess that is where he got this one.

Q. Was Ben living with his grandmother at the same time that this woman was? A. Yes sir.

Q. How long did he and this woman live together? A. I don't know whether they ever lived together or not—I was living out in the western country at that time.

Q. Is Katy's mother now living? A. No sir.

Q. She was Mary's mother? A. I don't know her name, she was a sister of Wiley McIntosh and Joe McIntosh.

Q. Where did Ben live with her? A. I don't know except it was down in this part of the country before he moved out west.

Q. What name does Lulla go by now? A. Lulla, that is her husband's name.

Q. What is his full name if you know? A. J. B. Williams.

Q. Who was Eliza's mother? A. Eliza Bremer. I guess I must have mispronounced the question back there, that is the child Ben had by Eliza Bremer.

Q. Is she a citizen of the Creek Nation? A. Yes sir.

Q. How long did Ben live with her? A. I don't know that—he had three children before he moved from this part of the country.

Q. How many of these women were living when he began living with the woman you call Eliza? A. I am not real sure about it, but I think this first woman, Teddy.

Q. Did you know this Eliza before Ben began living with her? A. Yes sir.

Q. Do you know of your own knowledge whether or not Ben and Eliza were married? A. I am pretty certain that they were not married.

Q. Did you know when they first began living together? A. Yes sir I remember the time; I cannot be positive as to the date but I remember when he first went together with her and got to living with her.

Q. Can you tell in what year it was? A. No sir.

JOSEPH B. COX, being first duly sworn testified as follows:

By Mr. Dawes attorney for applicant:

Q. You are the guardian of the minor children of Ben Nivens are you not? A. Yes sir.

Q. You have made application for them for enrollment as citizens of the Creek Nation? A. Yes sir.

Q. Did the child Eliza have any other name? A. Yes sir, Dolly a nick name.

Q. Then Dolly is the nick name of Eliza which is the proper name? Yes sir, it was named for its mother.

By the Commission

Q. When you made application for enrollment of these children as citizens of the Creek Nation on February, 17th 1900, you were asked what was the ~~names of the~~ mothers name of your wards, and you answered—"Eliza". A. Yes sir all except two.

Q. How are these two named? A. Wesley and Victoria.

Q. Then your answer was not correct as to Wesley and Victoria? A. I guess that I may have been mistaken—I have found out since then.

Q. Who was the mother of Elisabeth? A. One Elisabeth.

Q. What is her full name? A. Elisabeth Abb or Barnett.

Q. Is she a citizen of the Creek Nation? A. No sir. I think that she is a citizen of the Seminole Nation.

Q. How old is Wesley? A. I have forgotten, I did have their names down on a book.

Q. About how old? A. Must be about six. Between six and seven.

Q. At the present time? A. Yes sir.

Q. Does he live with you? A. No sir, he staid at my house a while but he lived with his mother.

Q. How long did he stay at your house? A. Almost when he was up there most of the time—stay at my house and his mothers all together about two years I guess.

Q. How long has it been since he lived at your house? A. Why just don't exactly know, but something like—he lived there until he got killed.

Q. I am asking you about Wesley. A. Oh—only 2 or 3 days is all he ever stayed with me but I supports him now.  
 Q. Then he never has lived in the Creek Nation? A. Yes sir.  
 Q. At the present time? A. Yes sir.  
 Q. How did he know Nivens at the present time? A. I think Victoria told by about 1880—between 1 and 2.  
 Q. And how did it this child Nivens? A. Why?—I don't know exactly, I think she must be 7 or 8—I just don't know the child's age exactly—try to give it to the best of my knowledge.  
 Q. Was Ben living with Elizabeth Ann before Eliza Bruner died? A. Yes sir he never did live with her to say live with her—he had a couple of children by her, one of them died.  
 Q. Was Wesley born before Eliza Bruner died? A. Yes sir.  
 Q. Then he had two children by Elizabeth Ann while the Bruner woman was living? A. Yes sir I think they were born then, I am sure the oldest one was.  
 Q. He was living with both women at the same time? A. I guess so, he taught school in her neighborhood when the oldest child was born.  
 Q. Did you live here in the eastern part of the Creek Nation during the time when Ben was living here. A. No sir,—I cannot exactly say, some time then I went to school a good while here, but Ben did not live there then I don't think.  
 Q. Did you know how long Ben lived with the mother of Katy Nivens? A. I don't think he lived with her at all, he might, she was born down here whilst I was in the Seminole Nation.  
 Q. Do you know how long he lived with the mother of Mary Nivens? A. No sir I don't.  
 Q. Do you know how long he lived with the mother of Lulla Bowlegs? A. No sir I don't.  
 Q. Where were you living during that time? A. In the Seminole Nation.  
 Q. Where was he living during that time? A. Down here at the old Creek Agency—don't think he was living with her.

Chas. von Weise, being first duly sworn, upon his oath states that as stenographer to the Commission to the Five Civilized Tribes, he reported in full all proceedings had in the above entitled cases on the 25th day of September, 1900, and that the above and foregoing is a full, true and correct transcript of his stenographic notes, of said proceedings on said date.

*Chas von Weise*

Subscribed and sworn to before me this the 28 day of Sept 1900.

*Griff L. Emerson*

Notary Public.

DEPARTMENT OF THE INTERIOR  
COMMISSION TO THE FIVE CIVILIZED TRIBES  
Muskegee, Ind.Ter., March 13, 1902.

In the matter of the application of Joseph B. Cox, guardian, for the enrollment of Victoria Nevins, a minor child under the age of eighteen years, as a citizen of the Creek Nation.

Joseph B. Cox, guardian of the above named person, being first duly sworn, testified as follows:

Appearances: E. Hastain, attorney for the applicant.  
A. P. McKelley, attorney for the Creek Nation.

By the Commission.

- Q What is your name? A Joseph B. Cox  
Q What is your age? A Thirty-three.  
Q What is your postoffice address? A Wewoka  
Q How do you represent Victoria Nevins? A First by the Indian Court, and afterward, when that was abolished, took out guardianship papers in the U.S. Court.  
Q Have you ever made application before this time for the enrollment of Victoria Nevins? A Yes, sir.

The records of the Commission show that Joseph B. Cox, guardian, made application on February 17, 1900, for the enrollment of Tom Nevins, Webster Nevins, Grant Nevins, Eliza Nevins, Victoria Nevins and Wesley Nevins, as citizens of the Creek Nation.

- Q Has Victoria Nevins ever been enrolled by the Commission to the Five Civilized Tribes as a citizen of the Creek Nation? A Yes, sir.

The records of the Commission examined and the name of Victoria Nevins was found to be enrolled on Creek Freedmen Card, Field No. 1556, as a doubtful citizen of the Creek Nation.

- Q Has Victoria Nevins ever been recognized by the tribal authorities of the Creek Nation as a citizen of the Creek Nation? A Yes, sir.  
Q Has she ever been enrolled by the Creek tribal authorities as a citizen of the Creek Nation? A Yes, sir.  
Q Does her name appear on the tribal rolls of the Creek Nation? A Yes, sir.

The 1895 Omitted Roll of the Creek Nation, Arkansas Town, examined, and the name of Victory Nivens was found thereon, at page 24.

- Q How old is Victoria Nivens? A Why, she must be between five and six years old.  
Q Is she now living? A Yes, sir.  
Q What is the name of her father? A Ben Nevins.  
Q Is he now living? A No, sir; he is dead.  
Q Was he a citizen of the Creek Nation? A He was.

The roll of Creek Freedmen made by Major J. W. Dunn prior to March 14, 1867, examined and the name of Ben Nevins is found thereon as "Ben Garrett," at No. 1082.

- Q Who was the mother of Victoria Nevins? A Cornelius Nevins.



- Q Is she now living? A Yes, sir.  
Q Is she a citizen of the Creek Nation? A No, sir.  
Q Is she a citizen of any nation in the Indian Territory?  
A No, sir.  
Q Is she a colored woman? A Yes, sir.  
Q Do you make application for the enrollment of Victoria  
Nevins as a Creek Freedman? A Yes, sir.

By E. Hastain, attorney for the applicant:

- Q Are you administrator of the estate of Ben Nevins? A Yes, sir.  
Q State whether or not the Court that had charge of the  
estate of the deceased father awarded a part of the  
estate of Ben Nevins to Victoria Nevins, his heir. A Yes, sir.

By A.P. McKellop, attorney for the Creek Nation.

- Q What Court was it that awarded part of the estate of Ben  
Nevins to Victoria Nevins? A Wewoka District Court.  
Q Was it a United States District Court? A No, sir; the  
Creek Court.  
Q In what year was that? A I have forgotten what year, but  
it was the next year after Ben's death.  
Q What month and year did Ben Nevins die? A It was in  
January that I was appointed guardian,--I would have  
forgotten that unless I had had my papers.  
Q Where are your papers? A Why, I think they are over here  
at Mr. Daves' office.  
Q Do your papers show the year and month in which Ben Nevins  
died? A Yes, sir. He died in November, and it was the  
coming November that I was appointed guardian.  
Q Who did you say was the mother of Victoria Nevins?  
A Cornelia Williams now--she has been married since.  
Q Was she a citizen of the United States? A Yes, sir.  
Q Was she the wife of Ben Nevins? A Yes, sir.  
Q When were they married? A Why they never were married  
by ceremony,--only by marriage contract.  
Q Were they married by a minister of the gospel? A No, sir;  
I think not.  
Q Will you explain what you mean by marriage contract?  
A Why, in that part of the country, at that time, why an  
agreement was formed between two parties, and it was  
considered legal among people, with two or more witnesses.  
Q In what part of the country was that? A In the western part  
of the Creek, and Seminole nations,--they lived on the line.  
Q That was in the Northern District of Indian Territory, was it  
not? A Yes, sir.  
Q Do you know whether they secured a license from the clerk  
of the United States to be married? A No, I think not.  
Q Then they were not lawfully married? A No, sir; I suppose  
they were lawfully married in that country, but it would  
not be considered now.  
Q Don't you know that the laws in force now were in force at  
that time, respecting marriage? A No, I did not.  
Q Do you know of any other parties marrying about the same  
time, or near that time, in that settlement, or part of the  
country? A Why, no sir, I don't; if I had time to think  
I might tell. That was the custom of the country anyway.  
Q What ceremony or formality did they go through with in  
marrying? A Why he got her mother's consent and took  
her home.  
Q That is what you meant then in your answer that they were  
married according to the custom in that part of the  
country? A Yes, sir.

J. C. Johnson, being first duly sworn, testified as follows:  
By the Commission.

- Q What is your name? A J.C. or James Geedy Johnson.  
Q What is your age? A I am in my thirty-eighth year.  
Q What is your postoffice address? A Weweka.  
Q Are you a citizen of the Creek Nation? A Yes, sir.

By H. Hastain, attorney for the applicant.

- Q Were you acquainted with Ben Nevins during his lifetime?  
A Yes, sir.  
Q Do you know who was appointed administrator of his estate?  
A Yes, sir.  
Q State his name. A Joseph B. Cox.  
Q By whom was he appointed? A By the Weweka District Court,  
in the Creek Nation, Judge Canard.  
Q Did you know about his appointment at the time? A Yes,  
sir; I was one of his bondsmen at the time.  
Q Did you know when the Court decided was entitled to his  
estate? A Yes, sir.  
Q You may state whether or not the Court decided that Victoria  
Nevins was entitled to his estate as an heir. A She was;  
the Court recognized her as one of his heirs.

By A. P. McKellep, attorney for the Creek Nation.

- Q Was Ben Nevins related to you in any way? A Yes, sir.  
Q In what way was he related to you? A His mother and I  
were first cousins, which would make Ben and I second  
cousins.  
Q How far did you live from where Ben Nevins lived. A About  
six miles.  
Q Do you remember the time that Ben Nevins and Cornelia  
Williams were living together? A Yes, sir.  
Q Do you know whether they were married or not? A No, sir--I  
mean by that that they were not lawfully married.  
Q You know that they were not lawfully married? A Yes, sir.  
Q Did you ever hear Ben Nevins give any reasons for not  
marrying that woman lawfully? A Yes, sir.  
Q Will you please state what reasons he gave? A I talked  
with him about it--it seemed to me it was a clandestine  
way of living--and his reply was that she was as much  
his wife as any woman he ever had. I suppose in that  
that he had reference to his first wife, for that is the  
kind of contrast he had with her.  
Q In what year was it that he took up with this woman,  
Cornelia Nevins? A I will not be positive as to dates,  
but it seems to me it was in the latter part of 1893.  
It might have been the beginning of 1894. I don't ex-  
actly remember the date---I remember now that it must  
have been in the year 1894; my father died in December,  
1893, and it was the following year.  
Q Where was Cornelia Nevins living at the time that Ben Nevins  
began living together? A She was living with her mother  
when he first took her. Her mother lived in the Seminole  
Nation.  
Q Did Ben Nevins go to Cornelia Nevins' home to live?  
A No, sir.  
Q Where did Ben Nevins live? A Why after his first wife  
died, he broke up housekeeping and had been living with  
his brother, Joseph B. Cox, and he took her there to live.  
Q The United States laws relative to marriages were in force  
in that part of the country at the time that Ben Nevins  
took up with this woman, were they not? A Yes, sir.

By E. Hastain, attorney for the applicant.

Q The laws were not very strictly enforced and carried out, were they? A No, sir; I do not remember any time that there was any enforcement of the marriage contracts in that country.

Joseph B. Cox, being recalled, testified as follows:

By the Commission.

Q Is there any additional statement you desire to make in regard to the application made by you at this time for the enrollment of Victoria Nevins as a citizen of the Creek Nation? A Why I could not think of any more.

You will be furnished at a later date with a copy of the decision of the Commission with reference to the application made by you at this time for the enrollment of Victoria Nevins as a citizen of the Creek Nation, mailed to you at your proper postoffice address.

Oliver C. Hinkle, having been first duly sworn, upon his oath states that as stenographer to the Commission to the Five Civilized Tribes, he reported in full all proceedings had in the above entitled cause on the 13th day of March, 1902, and that the foregoing is a full, true and correct transcript of his stenographic notes of said proceedings on said date.

Oliver C. Hinkle

Subscribed and sworn to before  
me this 13 day of March, 1902,  
at Muskogee, Ind. Ter.

William J. Martin  
Notary Public.



DEPARTMENT OF THE INTERIOR,  
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application of Joseph B. Cox, guardian, for the enrollment of Julia Nevins, Tom Nevins, Webster Nevins, Grant Nevins, Eliza Nevins, Victoria Nevins, and Wesley Nevins, as citizens of the Creek Nation.

STATEMENT OF FACTS.

The testimony in this case shows that the applicants, Julia, Tom, Webster, Grant, Eliza, Victoria, and Wesley Nevins, through their guardian, Joseph B. Cox, claim citizenship in the Creek Nation as the children of Ben Nevins, deceased, who was a recognized citizen of the Creek Nation, and whose name appears upon the roll of Creek Freedmen made by J. W. Dunn, under authority of the United States prior to March 14th, 1892. That said Ben Nevins was the father also of Katie, Mary, and Julia Nevins.

The testimony also shows that six different women with whom said Ben Nevins had lived at various times during his life time were the mothers of the ten children above named, and that the said Ben Nevins was not legally or lawfully married to any one or more of said women. The records of the Commission show that all of the applicants in this case except Victoria Nevins, whose mother is a citizen of the United States, have been heretofore recognized as citizens of the Seminole Nation and are by this Commission listed for enrollment as citizens of said Nation. The authenticated 1890 Creek roll and the 1895 authenticated Creek census roll have been examined and the name of Ben Nevins appears upon both, but the names of the children for whom this application is made, do not appear thereon. The records of the Commission do not show that application was made for the enrollment of these applicants by the Commission to the Five Civilized Tribes or the tribal authorities of the Creek Nation or the United States District Court on appeal, under the provisions of an Act of June 10th, 1892.

DECISION.

It is therefore the opinion of this Commission that the evidence fails to establish that the applicants, Julia Nevins, Tom Nevins, Webster Nevins, Grant Nevins, Eliza Nevins, Victoria Nevins and Wesley Nevins are the legitimate children of Ben Nevins a citizen of the Creek Nation and entitled to Creek citizenship as his descendants; that they are not, and never have been recognized as citizens of the Creek Nation, and that the application of Joseph B. Cox, guardian, for their enrollment as citizens of the Creek Nation, should be denied, and it is so ordered.

Commission to the Five Civilized Tribes.

Dated at Muskogee, Indian Territory,

This 12<sup>th</sup> day of Dec. 1893.

Chairman.

Commissioner.

Commissioner.

COMMISSIONERS:  
HENRY L. DAWES,  
TAMM BIRBY,  
THOMAS B. NEEDLES,  
C. R. BRACKINRIDGE.

ALLISON L. AYLESWORTH,  
SECRETARY.

DEPARTMENT OF THE INTERIOR,  
COMMISSION TO THE FIVE CIVILIZED TRIBES.

(COPY)

ADDRESS ONLY THE  
COMMISSION TO THE FIVE CIVILIZED TRIBES.

Muskogee, Indian Territory, Dec. 12th, 1900.

Mr. Joseph B. Cox, Guardian,  
Holdenville, Indian Territory.

Dear Sir:

There is enclosed you herewith a copy of the decision of the Commission to the Five Civilized Tribes in the matter of your application for the enrollment of Julia Nevins, Webster Nevins, Grant Nevins, Eliza Nevins, Victoria Nevins, and Wesley Nevins, as citizens of the Creek Nation.

The record in this case with the decision of the Commission therein, will be submitted to the Secretary of the Interior for his consideration when the final roll of Creek citizens is forwarded to the Secretary for his approval.

Respectfully,

(Signed) Tamm Birby.

Acting Chairman.

Enc. 17.  
Registered letter.

(COPY)

Muskogee, Indian Territory, January 16, 1908.

A. P. McKellop, Esq.,

H. J. Reed, Esq.,

Attorneys for Creek Nation,

Muskogee, Indian Territory.

Gentlemen:

There is herewith enclosed a copy of the decision of the Commission to the Five Civilized Tribes in the matter of the application for the enrollment of Julia Nevins, Tom Nevins, Webster Nevins, Grant Nevins, Eliza Nevins, Victoria Nevins and Wesley Nevins, as citizens of the Creek Nation.

The decision, with a copy of the proceedings had in the case, is this day transmitted to the Secretary of the Interior for his review and decision. The final decision of the Secretary will be made known to you as soon as the Commission is informed of the same.

Yours truly,

I. B. Needles.

Commissioner in charge.

1 enclosure NAB-2.  
Registered.

(COPY)

Muskogee, Indian Territory, January 18, 1903.

The Honorable,

The Secretary of the Interior.

Sir:

There is herewith transmitted the Record of proceedings in the matter of the application of Joseph E. Cox, guardian, for the enrollment of Julia Nevins, Tom Nevins, Webster Nevins, Grant Nevins, Eliza Nevins, Victoria Nevins and Feeley Nevins, as citizens of the Creek Nation, including the decision of the Commission, dated December 12, 1900, denying said application.

Respectfully,

T.B. Needles.

Commissioner in charge.

1 enclosure  
Creek 47.

Through the Commission  
of Indian Affairs.

(COPY)

Muskogee, Indian Territory, January 16, 1906.

Mr. S. B. Dumas,

Attorney for Joseph B. Cox,

Muskogee, Indian Territory.

Dear Sir:

There is herewith enclosed a copy of the decision of the Commission to the Five Civilized Tribes in the matter of the application for the enrollment of Julia Nevins, Tom Nevins, Webster Nevins, Grant Nevins, Eliza Nevins, Victoria Nevins and Wesley Nevins, as citizens of the Creek Nation.

The decision, with a copy of the proceedings had in the case, is this day transmitted to the Secretary of the Interior for his review and decision. The final decision of the Secretary will be made known to you as soon as the Commission is informed of the same.

Yours truly,

T. B. Needles.

Commissioner in charge.

1 enclosure SUB-S.  
Registered.

(COPY)

Refer in reply to the following:

Land.  
4005-1902.

Department of the Interior,  
Office of Indian Affairs.  
Washington, January 28, 1902.

The Honorable

The Secretary of the Interior.

Sir:

There is inclosed herewith a report made on January 16, 1902, by T. B. Needles, Esq., Commissioner in charge of the work of the Dawes Commission, forwarding for the Department's consideration the record in the matter of the application of Joseph B. Cox, guardian, for the enrollment of Julia, Tom, Webster, Grant, Eliza, Victoria and Wesley Nevins, as citizens of the Creek Nation.

It seems that the above-named parties are the children of Ben Nevins, and that the mother of all of said children except Victoria, was Liza Bruner, and that Cornelia Williams is the mother of Victoria Nevins. The Commission found that said children were the children of Ben Nevins, deceased, who was a recognized citizen of the Creek Nation and whose name appears on the Dunn Roll, but that the testimony did not establish that the applicants are the legitimate children of said Ben Nevins and therefore refused to enroll them as citizens of the Creek Nation.

It seems that Eliza, Grant, Julia, Tom, Webster and Wesley Nevins, have been enrolled as citizens of the Seminole Nation, and their names appear on the roll of said nation. It is not



thought necessary to enter into any discussion of the record in this case so far as it pertains to said applicants, although the testimony tends to show that they should have been enrolled as Creek citizens, but inasmuch as they have already been enrolled as Seminoles the office doubts the advisability of disturbing the decision of the Commission in this particular.

The testimony also shows that Ben Nevins lived with six different women at various times during his life time who were the mothers of his ten children. It seems that one of said women was the mother of Katie, Mary and Lulu Nevins, although the record is not absolutely clear in this particular. The name of Katie Nevins is found on the Seminole Roll at No. 2128. The office presumes that Katie Nevins, whose name appears on said roll, and the one referred to in the testimony are one and the same person. If this be true, as the names of Mary and Lulu Nevins are not found on the Seminole roll, it would seem that the Commission should be required to explain why said Mary and Lulu were not enrolled, should they be full sisters of Katie Nevins. The decision of the Commission, however, does not cover the three parties last above mentioned.

From the Commission's decision it would seem that Victoria Nevins is not entitled to enrollment in either the Seminole or Creek Nations, as they state that she is not the legitimate child of Ben Nevins, deceased, a citizen of the Creek Nation.

The testimony in this case taken by the Commission September 25, 1900, relative to the enrollment of Victoria Nevins, shows

that Ben Nevins was her father and that her mother is Cornelia Williams, who is now living; that her mother and father were not married, but that they lived together as man and wife; that Ben Nevins supported the mother and child; that he recognized the mother of the child as his wife; that he introduced her into society as such; that he acknowledged the child to be his, and that the mother of said child did not live with any other man during the time she was living with Ben Nevins.

The office has been unable to find anything in the Creek laws relative to the recognition of supposed illegitimate children as citizens of the Creek Nation except section 248 of the Creek Laws, edition of 1893, which is as follows:

"If any person claim to be the child of a deceased male person, and it should be proven that such person did not, during life, recognize the claimant as his off-spring, then such claimant shall not be entitled to any share in the estate of the deceased."

The record in this case shows that Ben Nevins' name appears on the Dunn Roll; that he recognized Victoria Nevins as his child and that he recognized the mother of said child, now Cornelia Williams, as his common law wife. The office believes that Victoria Nevins should be enrolled as a member of the Creek Nation and recommends that the Commission be instructed to so enroll her; also that the Commission be instructed to advise the Department whether the Katie Nevins whose name appears on the Seminole Roll and the Katie Nevins mentioned in the record are one and the same person, and further, what if any decision the Commission has made relative to the enrollment of Mary and Lulu Nevins.

Very respectfully,  
Your obedient servant, W.A. Jones,  
Commissioner.

GAW B. Inclosures.

(COPY)

Muskogee, Indian Territory, Jan. 30, 1908.

The Honorable,  
The Secretary of the Interior,  
Washington, D.C.

Sir:

As attorney for Victoria Nevins, who is an applicant for enrollment as a member of the Creek Tribe of Indians, I desire to request that the record in said case be returned to the Commission from the United States to the Five Civilized Tribes of Indians, to the end that certain testimony may be taken.

The record in said case is incomplete in this: The name of the applicant, Victoria Nevins appears upon the 1895 authenticated roll of the Creek Nation. This is not shown in the record. I consider this material to the claim of the applicant, and respectfully ask that you instruct the Commission to take testimony upon this point.

Respectfully,  
Jesse W. Hill.

Through the  
Commissioner of  
Indian Affairs.

(COPY)

D.C.No. 1744-1902.

7184.

T.P.  
P.

Department of the Interior.  
Washington.

I.T.D. 817-1902.

January 31, 1902.

L.R.S.

Commission to the Five Civilized Tribes,

Muskogee, I. T.

Gentlemen:

January 28, 1902, the Commissioner of Indian Affairs transmitted the record in the matter of the rejected application of Joseph B. Cox, guardian, for the enrollment of Julia, Tom, Webster, Grant, Eliza, Victoria and Wesley Nevins, children of Ben Nevins, as citizens of the Creek Nation, received by him with your letter of January 16, 1902.

The mother of said children, except Victoria and Wesley, was Eliza Bruner. Cornelia Willis is the mother of Victoria Nevins, and Elizabeth Abb the mother of Wesley Nevins. It also appears that Nevins was the father of three other children, Katie, Mary and Lulu, none of whom is a party to this application; that Nevins was killed in 1896.

You found that six different women with whom Ben Nevins had lived at various times were the mothers of these ten children, and that Nevins was not lawfully married to any one of said women; that the records of the Commission show that all of the applicants in this case, except Victoria Nevins whose

mother is a citizen of the United States, have been heretofore recognized as citizens of the Seminole Nation, "and are by this Commission listed for enrollment as citizens of said nation"; that on the authenticated 1890 Creek roll and the 1895 authenticated Creek census roll the name of Ben Nevins appears, but the names of the children for whom this application is made do not appear thereon, and you decided that the evidence fails to establish that the applicants are the legitimate children of Ben Nevins, a citizen of the Creek Nation, and entitled to Creek citizenship as his descendants; that they are not now, and never have been, recognized as citizens of the Creek Nation.

Why these parties mentioned as having been enrolled in the Seminole Nation were so enrolled, does not appear. The Commissioner states that their names appear upon the roll of said nation, and the Department agrees with the Commissioner that, as they have been so enrolled and have apparently accepted such enrollment, your decision in this case as to them should not be disturbed.

The Department does not concur in the recommendation of the Commissioner as to Mary and Lulu Nevins. He states that it seems that one woman was the mother of Katie, Mary and Lulu Nevins, though the record is not absolutely clear in this particular:

that the name of Katie Nevins is found on the Seminole roll as No. 2138; that as the names of Mary and Lulu are not found on the Seminole roll it would seem that the Commission should be required to explain why said Mary and Lulu were not enrolled, should they be full sisters of Katie Nevins.

The Department finds from the testimony that these children did not have the same mother, and there is nothing to show that Mary or Lulu Nevins claimed rights in the Seminole Nation.

It appears that after the death of the mother of the children mentioned above as having been enrolled in the Seminole Nation, Nevins lived with Cornelia Williams, and that by her he was the father of Victoria Nevins; that Victoria's father and mother were not married, but that they lived together as man and wife; that Nevins supported the mother and child; that he recognized the mother of his child as his wife; that he introduced her into society as such; that he acknowledged the child to be his, and that the mother of said child did not live with any other man during the time she was living with Nevins.

The Commissioner refers to section 256 of the Creek laws, edition of 1893, which is as follows:

"If any person claim to be the child of a deceased male person, and it should be proven that such person did not, during life, recognize the claimant as his off-spring, then such claimant shall not be entitled to any share in the estate of the deceased;"

and stated that he concludes that Victoria Nevins should be enrolled as a member of the Creek Nation, and recommends that you be instructed to so enroll her.



The Department desires further information as to the grounds upon which you base your conclusion that this child should not be enrolled in the Creek Nation. The record is therefore returned for that purpose. Your decision is affirmed as to the other applicants. A copy of the Commissioner's letter is inclosed.

Respectfully,

Thos. Ryan,  
Acting Secretary  
BMD.

2 inclosure.s.

(COPY)

Refer in reply to the following:

Land  
7184--1902.  
7203--1902.

Department of the Interior,

J.F.A.

Office of Indian Affairs,

Washington, February 5, 1902.

The Commission to the Five Civilized Tribes,

Muskogee, Indian Territory.

Sir:

Referring to Department letter of January 31, 1902, returning to you the record relative to the application of Victoria Nevins for enrollment as a citizen of the Creek Nation, there is enclosed, herewith, a communication of Jesse H. Hill, Esq., relative to said application.

Said letter is forwarded to you for consideration in connection with said application and Mr. Hill has been so advised. Mr. Hill's letter should be returned with the record in this case.

Very respectfully,

A. G. Tonner,  
Asst. Commissioner.

G.A.W. (E.)

COMMISSIONERS  
HENRY L. DAWES.  
TAMM BIXBY.  
THOMAS B. NEEDLES.  
C. R. BRUSHKIRIDGE.

ALLISON A. AYLESWORTH.  
SECRETARY.

DEPARTMENT OF THE INTERIOR.  
COMMISSION TO THE FIVE CIVILIZED TRIBES.

(COPY)

ADDRESS ONLY THE  
COMMISSION TO THE FIVE CIVILIZED TRIBES

Muskogee, Indian Territory, February 10, 1902.

Mr. Joseph B. Cox, Guardian,

Holdenville, Indian Territory.

Dear Sir:

You are hereby notified that at Muskogee, Indian Territory, on Thursday, February 27, 1902, at one o'clock P. M., the Commission will hear such additional evidence as may be offered in the matter of the application of Joseph B. Cox for the enrollment of Victoria Nevins as a citizen of the Creek Nation.

Yours truly,

T.B.Needles.

Commissioner in Charge.

COMMISSIONERS  
HENRY L. DAWES.  
TAMM BIXBY.  
THOMAS B. NEEDLES.  
C. R. BRECKINRIDGE.

ALLISON L. AYLESWORTH,  
SECRETARY.

DEPARTMENT OF THE INTERIOR,  
COMMISSION TO THE FIVE CIVILIZED TRIBES.

(COPY)

ADDRESS ONLY THE  
COMMISSION TO THE FIVE CIVILIZED TRIBES

Muskogee, Indian Territory, February 10, 1902.

S. B. Dawes, Esq.,

Attorney for Joseph B. Cox, Guardian,  
Muskogee, Indian Territory.

Dear Sir:

You are hereby notified that at Muskogee, Indian Territory, on Thursday, February 27, 1902, at one o'clock P. M., the Commission will hear such additional evidence as may be offered in the matter of the application of Joseph B. Cox, Guardian, for the enrollment of Victoria Nevins as a citizen of the Creek Nation.

Yours truly,

T.B. Needles.

Commissioner in Charge.

COMMISSIONERS  
HENRY L. DAVIS.  
TAMM BIRDY.  
THOMAS B. NEEDLES.  
C. R. BRICKNIDGE.

ALLISON L. AVLESWORTH.  
SECRETARY.

DEPARTMENT OF THE INTERIOR.  
COMMISSION TO THE FIVE CIVILIZED TRIBES.

(COPY)

ADDRESS ONLY THE  
COMMISSION TO THE FIVE CIVILIZED TRIBES

Muskogee, Indian Territory, February 10, 1902.

James H. Hill, Esq.,

- Muskogee, Indian Territory.

Dear Sir:

You are hereby notified that at Muskogee, Indian Territory, on Thursday, February 27, 1902, at one o'clock P. M., the Commission will hear such additional evidence as may be offered in the matter of the application of Joseph B. Cox, Guardian, for the enrollment of Victoria Nevins as a citizen of the Creek Nation.

Yours truly,

T.B.Needles.

Commissioner in Charge.

COMMISSIONERS  
HENRY L. DAWES.  
TAMM BIXBY.  
THOMAS B. NEEDLES.  
C. R. BRIDGEMAN.

ALLISON L. AYLESWORTH,  
SECRETARY.

DEPARTMENT OF THE INTERIOR,  
COMMISSION TO THE FIVE CIVILIZED TRIBES.

(COPY)

ADDRESS ONLY THE  
COMMISSION TO THE FIVE CIVILIZED TRIBES

Muskogee, Indian Territory, February 10, 1903.

A. P. McKellop, Esq.,

H. C. Reed, Esq.,

Attorneys for Creek Nation,

Muskogee, Indian Territory.

Gentlemen:

You are hereby notified that at Muskogee, Indian Territory, on Thursday, February 27, 1903, at one o'clock P. M., the Commission will hear such additional evidence as may be offered in the matter of the application of Joseph B. Cox, Guardian, for the enrollment of Victoria Nevins as a citizen of the Creek Nation.

Yours truly,

T. B. Needles.

Commissioner in Charge.



COMMISSIONERS

HENRY L. DAWES,  
TAMM BIXBY,  
THOMAS B. NEEDLES,  
C. R. BRECKINRIDGE.

ALLISON L. AYLESWORTH,  
SECRETARY.

DEPARTMENT OF THE INTERIOR,  
COMMISSION TO THE FIVE CIVILIZED TRIBES.

ADDRESS ONLY THE  
COMMISSION TO THE FIVE CIVILIZED TRIBES

Muskogee, Ind.Ter., March 3, 1902.

A. P. McKellep, Esq.,

H. C. Reed, Esq.,

Attorneys for Creek Nation,

Muskogee, Ind. Ter.

Dear Sirs:-

You are hereby notified that at Muskogee, Ind.Ter., on Wednesday, March 12, 1902, at one o'clock p.m., the Commission will hear such additional evidence as may be offered in the matter of the application of Joseph B. Cox, guardian, for the enrollment of Victoria Nevins as a citizen of the Creek Nation.

Yours truly,

Commissioner in Charge.

OCH.

COMMISSIONERS:

HENRY L. DAWES,  
TAMM BIXBY,  
THOMAS B. NEEDLES,  
C. R. BRECKINRIDGE

ALLISON L. AYLESWORTH,  
SECRETARY

DEPARTMENT OF THE INTERIOR,

COMMISSION TO THE FIVE CIVILIZED TRIBES.

ADDRESS ONLY THE  
COMMISSION TO THE FIVE CIVILIZED TRIBES

Muskogee, Ind.Ter., March 3, 1902.

Mr. Joseph B. Cox,

Holdenville, Ind.Ter.

Dear Sir:-

You are hereby notified that at Muskogee, Ind.Ter., on Wednesday, March 12, 1902, at one o'clock p. m., the Commission will hear such additional evidence as may be offered in the matter of your application, as guardian, for the enrollment of Victoria Nevins as a citizen of the Creek Nation.

Yours truly,

Commissioner in Charge.

OOH.

COMMISSIONERS:

HENRY L. DAWES,  
TAMM BIXBY,  
THOMAS B. NEEDLES,  
C. R. BRECKINRIDGE

ALLISON L. AYLESWORTH,  
SECRETARY.

DEPARTMENT OF THE INTERIOR,

COMMISSION TO THE FIVE CIVILIZED TRIBES.

ADDRESS ONLY THE  
COMMISSION TO THE FIVE CIVILIZED TRIBES.

Muskogee, Ind.Ter., March 3, 1902.

Jesse B. Hill, Esq.,

Muskogee, Ind.Ter.

Dear Sir:-

You are hereby notified that at Muskogee, Ind. Ter., on Wednesday, March 12, 1902, at one o'clock p.m., the Commission will hear such additional evidence as may be offered in the matter of the application of Joseph B. Cox, guardian, for the enrollment of Victoria Nevins as a citizen of the Creek Nation.

Yours truly,

Commissioner in Charge.

OCH.

COMMISSIONERS:

HENRY L. DAWES,  
TAMM BIXBY,  
THOMAS B. NEEDLES,  
C. R. BRECKINRIDGE

ALLISON L. AYLESWORTH,  
SECRETARY

DEPARTMENT OF THE INTERIOR,

COMMISSION TO THE FIVE CIVILIZED TRIBES.

ADDRESS ONLY THE  
COMMISSION TO THE FIVE CIVILIZED TRIBES

Muskogee, Ind.Ter., March 3, 1902.

S. B. Dawes, Esq.,

Atty. for Joseph B. Cox, Guardian,

Muskogee, Ind.Ter.

Dear Sir:-

You are hereby notified that at Muskogee, Ind.Ter., on  
Wednesday, March 12, 1902, at one o'clock p. m., the Commission will hear  
such additional evidence as may be offered in the matter of the ap-  
plication of Joseph B. Cox, Guardian for the enrollment of Victoria  
Hewins as a citizen of the Creek Nation.

Yours truly,

Commissioner in Charge.

OCH.

Muskogee, Indian Territory, April 7, 1902.

The Honorable

The Secretary of the Interior.

Sir:

Relative to the application of Joseph B. Cox, Guardian, for the enrollment of Julia, Tom, Webster, Grant, Eliza, Victoria and Wesley Nevins as citizens of the Creek Nation, the Department, under date of January 31, 1902 (I.T.D. 617-1902), requested further information as to the grounds upon which the Commission based its conclusion that Victoria Nevins should not be enrolled as a citizen of the Creek Nation, and advised the Commission that its decision as to the other applicants had been affirmed.

Under date of February 5, 1902 (Land 7184, 7203-1902), the Acting Commissioner of Indian Affairs referred to the Commission for consideration, a communication from Jesse H. Hill, Esq., relative to the enrollment of Victoria Nevins.

After notice, duly given, a further hearing in said case was had on March 13, 1902, at which appearances were entered on behalf of all parties in interest. The testimony taken on this latter date discloses the additional fact that the name of Victoria Nevins is found upon the 1895 Omitted Roll of the Creek Nation, Arkansas Town, as Victory Nivens. In other respects the testimony taken does not differ from that offered

2-Secretary.

at the original hearing.

In the report of the Indian Office dated January 28, 1902, (Land 4005-1902), the Commissioner invites attention to Section 258 of the Creek Laws, Edition of 1893, which is as follows:

"If any person claim to be the child of a deceased male person, and it should be proved that such person did not, during life, recognize the claimant as his offspring, then such claimant shall not be entitled to any share in the estate of the deceased."

At the time the parents of Victoria Nevins began living together the laws of the United States relating to marriage and procurement of marriage licenses were in force in Indian Territory: These laws, in the opinion of the Commission, repealed or superseded the laws, usages and customs of the Creek Nation relating to the same subject. Furthermore, the Commission does not consider the evidence introduced in the case sufficient to establish a common law marriage between the parents of the said Victoria Nevins.

For these reasons the Commission holds the said Victoria Nevins to be the illegitimate child of a non-citizen mother, whose status she follows, and that her name is upon the Creek tribal roll without authority of law.

There is herewith returned for Departmental consideration the original record in the case, together with copies of the correspondence, transcript of testimony taken on March 13, 1902, and the letter of



2-Secretary.

James H. Hill, Esq., dated January 20, 1902.

Very Respectfully,

Tame Bixby,

---

Acting Chairman,

T. B. Needles,

---

C. R. Brackinridge

---

Through the

Commissioner of Indian Affairs.

Commissioners.

Enc.-2-B.

COMMISSIONERS:

HENRY L. DAWES,  
TAMM BIXBY,  
THOMAS B. NEEDLES,  
C. R. BRECKINRIDGE.

ALLISON L. AYLESWORTH,  
SECRETARY.

DEPARTMENT OF THE INTERIOR,

COMMISSION TO THE FIVE CIVILIZED TRIBES.

ADDRESS ONLY THE  
COMMISSION TO THE FIVE CIVILIZED TRIBES

Muskogee, Ind.Ter., April 8, 1902.

Received on this date, from the Commission to the Five Civilized Tribes, copy of record of proceedings in the matter of the application of Joseph B. Cox, guardian, for the enrollment of Victoria Nevins, a minor child, as a citizen of the Creek Nation.

*A. P. McKellop*  
Attorney for the Creek Nation.

Creek Enrlmnt.47.

C o p y

Refer in reply to  
the following:  
Land  
29398-1902.

DEPARTMENT OF THE INTERIOR,  
Office of Indian Affairs,

WASHINGTON, May 22, 1902.

The Honorable

The Secretary of the Interior.

Sir:

Referring to Department letter of January 31, 1902 (ITD-617), returning to the Commission to the Five Civilized Tribes for further consideration the record relative to the application for enrollment of Victoria Nevins as a citizen of the Creek Nation, and to office report of January 28, 1902, forwarding said record for the Department's consideration, there is inclosed herewith a report from the Commission dated April 7, 1902, re-submitting said record and the additional testimony taken by the Commission since the record was returned to it.

The Commission invites attention to the fact that the additional testimony shows that the name of Victoria Nevins is upon the 1895 Omitted Roll of the Creek Nation, Arkansas Town, as "Victory Nivens", and states that in other respects it does not differ from the testimony taken at the original hearing. It then refers to section 258 of the Creek Laws (Edition of 1893), which is as follows:

"Sec. 258. If any person claim to be the child of a deceased male person, and it should be proven that such person did not, during life, recognize the claimant as his off-spring, then such claimant shall not be entitled to any share in the estate of the deceased."

This section was quoted in office report of January 28, last.

The Commission states that at the time the parents of Victoria Nevins began living together the laws of the United States relating to marriage and procurement of marriage licenses were in force in Indian Territory; that these laws, in the opinion of the Commission, repealed or superceded the Creek laws, usages and customs relating to the same subject; that the Commission does not consider the evidence introduced in the case sufficient to establish a common law marriage between the parents of the said Victoria Nevins. For these reasons the Commission holds that Victoria Nevins is the illegitimate child of a non-citizen mother, and that her status is that of her mother, and her name is on the Creek tribal rolls without authority of law.

The original record in this case shows that the father and mother of Victoria Nevins were not married; that they lived together as husband and wife; that Ben Nevins supported the mother and child; that he recognized the mother as his wife and introduced her into society as such; that

he acknowledged the child to be his; that the mother of said child did not live with any other man during the time she was living with Ben Nevins, and that the Creek tribal court permitted the applicant, Victoria Nevins, to share in the distribution of the estate of her father, Ben Nevins.

The mother of this child, the record shows, has married, since the death of Ben Nevins, and that her name is now Cornelia Williams.

The additional evidence taken in this case March 17, 1902, shows that the name of the applicant, Victoria Nevins, appears on the 1895 Omitted Roll, and that the name of her father, Ben Nevins, appears on the Dunn Roll made prior to March 14, 1867, as "Ben Garrett". This additional testimony also shows that by authority of the Creek court, Wewoka District, the applicant was permitted to share in the distribution of her father's estate.

Section 28 of the Creek Agreement (31 Stats., 861) declares that "all persons who were living on the first day of April, eighteen hundred and ninety-nine, entitled to be enrolled under section 21" of the Curtis Act shall be enrolled by the Commission.

Section 21 declares, among other things that

"The roll of Creek freedmen made by J. W. Dunn, under authority of the United States, prior to March fourteenth,

-4-

eighteen hundred and sixty-seven, is hereby confirmed, and said commission is directed to enroll all persons now living whose names are found on said rolls, and all descendants born since the date of said roll to persons whose names are found thereon, with such other persons of African descent as may have been rightfully admitted by the lawful authorities of the Creek Nation."

The record in this case shows that this applicant is the descendant of a person whose name appears upon the Dunn Roll, and it further shows that Ben Nevins recognized the applicant as his child; that the Creek court so recognized her; that Ben Nevins recognized the mother of said child, now Cornelia Williams, as his common law wife; that he lived with her as such; and the office believes that the child should be enrolled as a citizen of the Creek Nation.

It is therefore respectfully recommended that the Commission be instructed to enroll said Victoria Nevins as a citizen of said nation.

Very respectfully,

Your obedient servant,

A. C. TONNER,

Acting Commissioner.

GAW  
D

C o p y

DEPARTMENT OF THE INTERIOR.

I.T.D. 617, 3266-1902.

WASHINGTON.

FHE.

L.R.S.

November 24, 1902.

Commission to the Five Civilized Tribes,  
Muskogee, Indian Territory.

Gentlemen:

January 31, 1902, the Department requested further information in the matter of the application of Joseph B. Cox, for the enrollment of Julia, Tom, Webster, Grant, Eliza, Victoria and Wesley Nevins, as citizens of the Creek Nation, as to the ground upon which your Commission based its conclusion that Victoria Nevins should not be enrolled, and advised you that your decision as to the other applicants was affirmed.

April 7, 1902, you reported that a further hearing was had in the case March 13, 1902; that the testimony then taken discloses the fact that the name of Victoria Nevins is found upon the 1895 Omitted Roll of the Creek Nation, Arkansas Town; that in other respects the testimony taken does not differ from that offered at the original hearing.

In your decision of December 12, 1900, it is stated



that it appears that several different women, with whom Ben Nevins, the father of these said children, had lived at various times during his life time, were the mothers of the children named in the application for enrollment; that the said Ben Nevins was not legally married to any one or more of said women; that the records of the commission showed that all of the applicants except Victoria Nevins, whose mother is a citizen of the United States, have been heretofore recognized as citizens of the Seminole Nation, and have been by your commission listed for enrollment as citizens of that nation, and you held that the evidence fails to establish that Victoria Nevins is the legitimate child of Ben Nevins, a citizen of the Creek Nation and entitled to Creek citizenship as his descendant. It is shown that Ben Nevins' name appears on the Dunn Roll as Ben Garrett. As to your statement that at the time the parents of Victoria Nevins began living together, the laws of the United States relating to marriage licenses were in force in the Indian Territory; that these laws repealed or superceded the laws, usages and customs of the Creek Nation relating to the same subject, and

as to your conclusion that Victoria Nevins, being the illegitimate child of a non-citizen man, she follows the status of her mother, and that her name is upon the Creek tribal roll without authority of law, your attention is called to the opinion of the Assistant Attorney-General of June 28, 1902, approved by the Department on the same date, in the case of Charley Corbray, in which it was held that an illegitimate child of a Creek citizen could be enrolled, and to the decision of the Department of November 20, 1902, in the case of Lillian and Pearl Lerblance, holding that the status of a child does not necessarily follow that of its mother. In accordance with said opinion and decision, your decision is hereby reversed as to Victoria Nevins.

A copy of the Commissioner's letter of May 22, 1902, in which he recommended that your commission be instructed to enroll said Victoria Nevins as a citizen of said nation, is herewith inclosed.

Respectfully,

Thos. Ryan.

Acting Secretary.

1 inclosure.

C o p y

Creek Enrollment  
Case No. 47.

Muskogee, Indian Territory, December 16, 1902.

Joseph B. Cox,

Guardian of Victoria Nevins,

Holdenville, Indian Territory.

Dear Sir:

You are hereby advised that the Secretary of the Interior, under date of November 24, 1902, affirmed the decision of the Commission, dated December 12, 1900, denying the enrollment of Julia, Tom, Webster, Grant, Eliza and Wesley Nevins, as citizens of the Creek Nation, and that the decision of the Commission as to Victoria Nevins is reversed.

You are further advised that, in accordance with Departmental decision above referred to, the Commission has regularly enrolled said Victoria Nevins, as a citizen of the Creek Nation.

Respectfully,

Acting Chairman.

Registered.

Copy

Creek Enrollment  
Case No. 47.

Muskogee, Indian Territory, December 16, 1902.

Jesse H. Hill, Esq.,

Attorney for Joseph B. Cox,

Muskogee, Indian Territory.

Dear Sir:

You are hereby advised that the Secretary of the Interior, under date of November 24, 1902, affirmed the decision of the Commission, dated December 12, 1900, denying the enrollment of Julia, Tom, Webster, Grant, Eliza, and Wesley Nevins, as citizens of the Creek Nation, and that the decision of the Commission as to Victoria Nevins is reversed.

You are further advised that, in accordance with Departmental decision above referred to, the Commission has regularly enrolled said Victoria Nevins as a citizen of the Creek Nation.

Respectfully,

Acting Chairman.

Creek Enrollment  
Case No. 47.

Muskogee, Indian Territory, December 16, 1902.

S. B. Dawes, Esq.,

Attorney for Joseph B. Cox,

Muskogee, Indian Territory.

Dear Sir:

You are hereby advised that the Secretary of the Interior, under date of November 24, 1902, affirmed the decision of the Commission, dated December 12, 1900, denying the enrollment of Julia, Tom, Webster, Grant, Eliza and Wesley Nevins, as citizens of the Creek Nation, and that the decision of the Commission as to Victoria Nevins is reversed.

You are further advised that, in accordance with Departmental decision above referred to, the Commission has regularly enrolled said Victoria Nevins as a citizen of the Creek Nation.

Respectfully,

Acting Chairman.

C O P Y

Creek Enrollment  
Case No. 47.

Muskogee, Indian Territory, December 16, 1902.

E. Hastain,

Attorney for Joseph B. Cox,

Muskogee, Indian Territory.

Dear Sir:

You are hereby advised that the Secretary of the Interior, under date of November 24, 1902, affirmed the decision of the Commission, dated December 12, 1900, denying the enrollment of Julia, Tom, Webster, Grant, Eliza and Wesley Nevins, as citizens of the Creek Nation, and that the decision of the Commission as to Victoria Nevins is reversed.

You are further advised that, in accordance with Departmental decision above referred to, the Commission has regularly enrolled said Victoria Nevins as a citizen of the Creek Nation.

Respectfully,

Acting Chairman.

Copy

Creek Enrollment  
Case No. 47.

Muskogee, Indian Territory, December 16, 1902.

A. P. McKellop, Esq.,

H. C. Reed, Esq.,

Attorneys for the Creek Nation,

Muskogee, Indian Territory.

Dear Sir:

You are hereby advised that the Secretary of the Interior, under date of November 24, 1902, affirmed the decision of the Commission, dated December 12, 1900, denying the enrollment of Julia, Tom, Webster, Grant, Eliza and Wesley Nevins, as citizens of the Creek Nation, and that the decision of the Commission as to Victoria Nevins is reversed.

You are further advised that, in accordance with Departmental decision above referred to, the Commission has regularly enrolled said Victoria Nevins as a citizen of the Creek Nation.

Respectfully,

Acting Chairman.



CR EN 48

CR EN 48

DEPARTMENT OF THE INTERIOR.  
COMMISSION TO THE FIVE CIVILIZED TRIBES.  
MARCH 9, 1900.

IN THE MATTER OF THE APPLICATION OF MARY E. FOSTER  
FOR HER MINOR CHILD, WILLIE FRANCIS FOSTER, AS A CITIZEN OF THE  
CREEK NATION.

MR. DAWES APPEARING FOR PETITIONER.

Mary E. Foster, being duly sworn by Commissioner Needles,  
testifies as follows:

- Q What is your name? A Mary E. Foster.
- Q You are the daughter of Callie B. Morey? A Yes sir.
- Q Are you a Creek Indian by blood? A Yes sir.
- Q A citizen of the Creek Nation? A Yes sir.
- Q From whom do you get your Indian blood? A My mother.
- Q Is your mother living? A Yes sir.
- Q When was your family admitted to citizenship in the Creek Nation  
and by what authority? A By the Dawes Commission in the fall of '96?  
A Yes sir.
- Q Who made the application? A My mother.
- Q At the time the Dawes Commission rendered its judgment, admitting  
your mother and her family and yourself to citizenship in the Creek  
Nation in the fall of 1896, was the child, Willie Francis Foster,  
then living? A Yes sir.
- Q Did you know whether or not its name was embraced in that judgment  
at that time? A No sir.
- Q When did you first learn that the child was not enrolled with your  
family? A At Okmulgee in October 1899.
- Q You make this application for the enrollment of your child because

of its Creek blood, and you, and your mother and your grandmother were duly admitted to citizenship by the Dawes Commission in the fall of 1896? A Yes sir.

Q You say you entrusted to your mother the application for the enrollment of her family and your family, and you did not know, until the fall of 1899 that this child was not named in the judgment admitting you to citizenship? A No sir.

Commissioner Needles:

Q Mrs. Foster, were you ever upon any of the Indian rolls of the Creek Nation? A No sir.

Q Was this child ever upon any of the rolls? A No sir. We attempted to enroll before the Dawes Commission at Okmulgee.

Q Do you know whether this child, Willie Francis, was in your application for citizenship? A No sir, I don't know.

Q You don't know whether it was or not? A No sir.

Q Do you know whether it was ever admitted by the Dawes Commission in 1896, when you were admitted? A No sir, I don't think it was; they said it was not.

Mr. Dawes:

Q How long have you lived in the Creek Nation? A Six or seven or eight years.

Q This child, Willie Francis, was born here and lived here all his life? A Yes sir.

Commissioner Needles:

Q Where were you born? A In Texas.

Q And you came from there to the Creek Nation? A No sir, I come to the Chickasaw Nation.

Q And from there here? A Yes sir.

Q And you have been in the territory six or seven years? A Seven or eight years.

Mr. Dawes:

Q What Creek family are you related to? A The Perrymans.

Case continued for further testimony.

DEPARTMENT OF THE INTERIOR  
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application of Mary E. Foster for the enrollment of her minor child, Willie Francis Foster as a citizen of the Creek Nation.

DECISION.

It appears from the record in this case that on March 9, 1900, Mary E. Foster appeared before this Commission and made application for the enrollment of her minor child, Willie Francis Foster as a citizen of the Creek Nation.

It also appears that Mary E. Foster was admitted to citizenship by this Commission in 1896 in accordance with the provisions of the act of Congress approved June 10, 1896, ( 29 Stats. 321) and that the said Willie Francis Foster, although born March 2, 1896, was not included in the application made for her mother under the provisions of the said act.

It further appears that the said Willie Francis Foster has never been recognized as a citizen of the Creek Nation nor duly and lawfully enrolled or admitted as such and that her name is not to be found upon any of the authenticated rolls of the Creek Nation now in the possession of the Commission.

It is therefore the opinion of this Commission that the said Willie Francis Foster is not a citizen of the Creek Nation and that the application for her enrollment as such should be denied and it is so ordered.

The Commission to the Five Civilized Tribes.

Dated at Okmulgee, Indian Territory,  
this the 15th day of May, 1901.

  
Acting Chairman.

  
Commissioner.

  
Commissioner.

COMMISSIONERS:  
HENRY L. DAWES,  
TAMM BIXBY,  
THOMAS B. NEEDLES,  
C. R. BRECKINRIDGE.

ALLISON L. AYLESWORTH,  
SECRETARY.

DEPARTMENT OF THE INTERIOR,  
COMMISSION TO THE FIVE CIVILIZED TRIBES.

ADDRESS ONLY THE  
COMMISSION TO THE FIVE CIVILIZED TRIBES.

Muskogee, Indian Territory, January 16, 1902.

Mary E. Foster,

McDermott, Indian Territory.

Dear Madam:

There is herewith enclosed a copy of the decision of the Commission to the Five Civilized Tribes in the matter of the application made by you for the enrollment of your minor child, Willie Francis Foster, as a citizen of the Creek Nation.

The decision, with a copy of the proceedings had in the case, is this day transmitted to the Secretary of the Interior for his review and decision. The final decision of the Secretary will be made known to you as soon as the Commission is informed of the same.

Yours truly,



Commissioner in charge.

1 enclosure MEF-48  
Registered.

(COPY)

Muskogee, Indian Territory, January 18, 1908.

The Honorable,

The Secretary of the Interior.

Sir:

There is herewith transmitted the record of proceedings in the matter of the application of Mary E. Foster for the enrollment of Willie Francois Foster as a citizen of the Creek Nation, including the decision of the Commission, dated May 15th, 1901, denying said application.

Respectfully,

T. B. Needles.

Commissioner in charge.

1 enclosure  
Creek 48.

Through the Commissioner  
of Indian Affairs.

(COPY)

Muskogee, Indian Territory, January 16, 1902.

Mr. S. B. Dawson,

Attorney for Mary E. Foster,

Muskogee, Indian Territory.

Dear Sir:

There is herewith enclosed a copy of the decision of the Commission to the Five Civilized Tribes in the matter of the application for the enrollment of Willie Francis Foster as a citizen of the Creek Nation.

The decision, with a copy of the proceedings had in the case, is this day transmitted to the Secretary of the Interior for his review and decision. The final decision of the Secretary will be made known to you as soon as the Commission is informed of the same.

Yours truly,

T.B. Needles.

Commissioner in charge.

1 enclosure SBD-48.  
Registered.



(COPY)

Refer in reply to the following:

Land.  
4005-1902.

Department of the Interior,  
Office of Indian Affairs,  
Washington, January 29, 1902.

The Honorable

The Secretary of the Interior.

Sir:

There is enclosed herewith a report dated January 16, 1902, from T. B. Needles, Esq., Commissioner in charge of the work of the Dawes Commission, transmitting for the Department's consideration the record in the matter of the application of Mary E. Foster, for the enrollment of her minor child Willie Francis Foster, as a citizen of the Creek Nation.

On May 15, 1901, the Commission rendered the following decision in the case:

"It appears from the record in this case that on March 9, 1900, Mary E. Foster appeared before this Commission and made application for the enrollment of her minor child, Willie Francis Foster as a citizen of the Creek Nation.

"It also appears that Mary E. Foster was admitted to citizenship by this Commission in 1896 in accordance with the provisions of the act of Congress approved June 10, 1896 (29 Stats. 321) and that said Willie Francis Foster, although born March 2, 1896, was not included in the application made for her mother under the provisions of the said act.

"It further appears that the said Willie Francis Foster has never been recognized as a citizen of the Creek Nation nor

"duly and lawfully enrolled or admitted as such and that her name is not to be found on any of the authenticated rolls of the Creek Nation now in the possession of the Commission.

"It is therefore the opinion of this Commission that the said Willie Francis Foster is not a citizen of the Creek Nation and that the application for her enrollment as such should be denied and it is so ordered."

From the record it appears that Mary E. Foster, the mother of said minor child, Willie Francis Foster, was admitted to citizenship in the Creek Nation by the Commission in 1896, and that said minor child was born March 2, 1896, prior to the date of the approval of the act of June 10, 1896 (29 Stats.321), under the provisions of which the mother of said child was admitted to citizenship by the Commission. Although said child was in being at the time of the admission of her mother, no application for her enrollment was made. Under the Department's decision of June 18, 1901 (ITD-1803), in the Clover case, which was based on the opinion of the Asst. Attorney-General dated June 8, 1901 in the Lottie B. Adams and Nancy Smith cases, it would seem that the decision of the Commission in this case is correct. It is therefore respectfully recommended that the Commission's decision be approved.

Very respectfully,  
Your obedient servant,  
W. A. Jones  
Commissioner.

GAW  
D

3 inclosures.

On the  
Application of  
Dexter W. Hays  
for a Certificate

DEPARTMENT OF THE INTERIOR,  
COMMISSIONER TO THE CIVILIZED TRIBES.  
FILED

August 1890

W. H. Hays

COPY

DEPARTMENT OF THE INTERIOR, COMMISSION TO THE FIVE CIVILIZED TRIBES.

No. 48.

I. T. D. 432, 1902.

January 31st, 1902.

In re application of Mary Foster for the enrollment of her minor child, Willie Francis Foster, as a citizen of the Creek Nation.

Motion for review.

Now comes your petitioner, Mary Foster and prays that you reopen and review the adverse decision heretofore rendered in this cause, and that you now render a decision herein in harmony with the later decision rendered by the Department of the Interior, in the matter of the application of Angeline King to be enrolled as a citizen of the Creek Nation.

(SIGNED)

*de la Hoffermaud & Co.*  
Attorneys for Petitioner.

I acknowledge receipt of copy of above motion  
this 12th day of August 1903

(SIGNED)

*A. D. Murphy*  
National Attorney

D.C.No. 1745-1902.

(COPY)

7185.

T.P.  
F.

Department of the Interior.  
Washington.

I.T.D. 632-1902.

January 31, 1902.

Commission to the Five Civilized Tribes,  
Muskogee, I. T.

Gentlemen:

January 29, 1902, the Commissioner of Indian Affairs transmitted a memorandum in the matter of the rejected application of Mary E. Foster for the enrollment of her minor child, Willie Francis Foster, as a citizen of the Creek Nation.

It appears that Mary E. Foster was admitted to citizenship by your Commission in 1896, the applicant states in the fall of that year, in accordance with the provisions of the act of June 10, 1896 (29 Stat., 321), and that said Willie Francis Foster, although born March 2, 1896, was not included in the application made for her mother; that the said child had never been recognized as a citizen of the Creek Nation, nor duly and lawfully enrolled or admitted as such, and that her name is not found on any of the authenticated rolls of the Creek Nation now in the possession of the Commission.

The Commissioner states that under departmental ruling of June 18, 1901, in the Clover case, which was based upon the opinion of the Assistant Attorney General of June 8, 1901, in the Lottie B. Adams and Nancy Smith cases, the decision of the Commission in this case should be approved.

-2-

The Department concurring in this conclusion, your decision is affirmed. A copy of the Commissioner's letter is inclosed herewith.

Respectfully,

Thos. Ryan  
Acting Secretary.  
EMD.

1 inclosure.

COMMISSIONERS  
HENRY L. DAWES.  
TAMS BIXBY.  
THOMAS B. NEEDLES.  
C. R. BRECKINRIDGE.

ALLISON L. AYLESWORTH.  
SECRETARY

DEPARTMENT OF THE INTERIOR,  
COMMISSION TO THE FIVE CIVILIZED TRIBES.

( COPY )

ADDRESS ONLY THE  
COMMISSION TO THE FIVE CIVILIZED TRIBES

Muskogee, Indian Territory, February 8, 1902.

S. B. Dawes Esq.,

Muskogee, Indian Territory.

Dear Sir:

In compliance with your request of January 31, 1902,  
there is herewith enclosed, copy of the evidence in the matter  
of the application of Mary E. Foster for the enrollment of her  
minor child, Willie Francis Foster, as a citizen of the Creek  
Nation.

Yours truly,

Tams Bixby.

Acting Chairman.

Enc.-EOR-149.



COMMISSIONERS  
HENRY L. DAWES.  
TAMM BIXBY.  
THOMAS B. NEEDLES.  
C. R. BRECKINRIDGE.

ALLISON L. AYLESWORTH.  
SECRETARY.

DEPARTMENT OF THE INTERIOR.  
COMMISSION TO THE FIVE CIVILIZED TRIBES.

(COPY)

ADDRESS ONLY THE  
COMMISSION TO THE FIVE CIVILIZED TRIBES

Muskogee, Indian Territory, February 8, 1902.

S. B. Dawes, Esq.,

Attorney for Mary E. Foster,

Muskogee, Indian Territory.

Dear Sir:

You are hereby advised that the Secretary of the Interior, under date of January 31, 1902, affirmed the decision of the Commission, dated May 15, 1901, denying the application made by Mary E. Foster for the enrollment of her minor child, Willie Francis Foster, as a citizen of the Creek Nation.

Yours truly,

C. R. Breckinridge

Commissioner in Charge.

COMMISSIONERS  
HENRY L. DAWES.  
TAMM BIXBY.  
THOMAS B. NEEDLES.  
C. R. BRECKINRIDGE.

ALLISON L. AYLESWORTH.  
SECRETARY

DEPARTMENT OF THE INTERIOR.  
COMMISSION TO THE FIVE CIVILIZED TRIBES.

ADDRESS ONLY THE  
COMMISSION TO THE FIVE CIVILIZED TRIBES

Muskogee, Indian Territory, February 8, 1902.

Mary E. Foster,  
McDermott, Indian Territory.

- Dear Madam:

You are hereby advised that the Secretary of the Interior, under date of January 31, 1902, affirmed the decision of the Commission, dated May 15, 1901, denying the application made by you for the enrollment of your minor daughter, Willie Francis Foster, as a citizen of the Creek Nation.

Yours truly,

*C. R. Breckinridge*

Commissioner in charge.

COMMISSIONERS:  
HENRY L. DAWES.  
TAMM BIXBY.  
THOMAS B. NEEDLES.  
C. R. BRECKINRIDGE.

ALLISON L. AYLESWORTH,  
SECRETARY.

DEPARTMENT OF THE INTERIOR.  
COMMISSION TO THE FIVE CIVILIZED TRIBES.

ADDRESS ONLY THE  
COMMISSION TO THE FIVE CIVILIZED TRIBES

(COPY)

Muskogee, Indian Territory, February 8, 1902.

A. P. McKellop, Esq.,

H. O. Reed, Esq.,

Attorneys for Creek Nation,

Muskogee, Indian Territory.

Gentlemen:

You are hereby advised that the Secretary of the Interior, under date of January 31, 1902, affirmed the decision of the Commission, dated May 15, 1901, denying the application made by Mary E. Foster for the enrollment of her minor child, Estelle Francis Foster, as a citizen of the Creek Nation.

Yours truly,

C.R.Breckinridge.

Commissioner in Charge.

J. J. 13

Creek En. 48.

Muskogee, Indian Territory, August 26, 1903.

The Honorable,

The Secretary of the Interior.

Sir:

January 31, 1902, the Department affirmed the decision of the Commission denying the application of Mary E. Foster for the enrollment of her minor child, Willie Francis Foster, as a citizen of the Creek Nation (I. T. D. 632-1902).

August 13, 1903, DeGraffenried & Scruggs, attorneys for the applicant, filed a motion for review of the decision in the case, and service was acknowledged by the attorney for the Creek Nation on that day. No answer to the motion has been filed in this office.

Said motion is herewith transmitted for Departmental consideration.

Respectfully,

Ino. SAA-33.

Commissioner in Charge.

Through the

Commissioner of Indian Affairs.

(Copy)

J.P.

DEPARTMENT OF THE INTERIOR,  
WASHINGTON.  
ITID. 632-1902.  
6782-1903  
7198- "

FHE

February 10, 1904.

LRS

Commission to the Five Civilized Tribes,  
Muskogee, Indian Territory.

Gentlemen:

On January 31, 1904, the Department affirmed your decision rejecting the application of Mary E. Foster for the enrollment of her minor child, Willie Francis Foster, as a citizen of the Creek Nation.

It was stated in said decision that Mary E. Foster was admitted to citizenship by your Commission in 1896, in accordance with the provisions of the act of June 10, 1896 (29 Stat., 321), and that said Willie Francis Foster, although born March 2, 1896, was not included in the application made for her mother, and her name is not found on any of the authenticated rolls of the Creek Nation now in the possession of your Commission.

With your letter of August 26, 1903, there was received a motion for review in this case, filed by the attorneys for the applicant.

In view of the opinion of the Assistant Attorney General of February 5, 1904, in the case of Angeline King, approved by the Department, the decision of the Department of January 31, 1904, is hereby rescinded, and you are directed to enroll Willie Francis Foster, unless some other objection appears.

Respectfully,

(Signed) Thos Ryan

Acting Secretary.

2873  
Muskogee, Indian Territory, February 19, 1904.

A. P. Murphy,

Attorney for Creek Nation,

Muskogee, Indian Territory.

Sir:

In the matter of the application for the enrollment of Willie Francis Foster as a citizen of the Creek Nation you are advised that by its letter of February 10, 1904, the Department directed the Commission to enroll said Willie Francis Foster unless further objections appear.

Accordingly, the applicant has been regularly listed for enrollment as a citizen of the Creek Nation.

Respectfully,

Commissioner in Charge.

J. J. H.

COMMISSIONERS:  
TAMM BIXBY,  
THOMAS B. NEEDLES,  
C. R. BRECKINRIDGE,  
W. E. STANLEY.

DEPARTMENT OF THE INTERIOR,  
COMMISSION TO THE FIVE CIVILIZED TRIBES.

|                                 |
|---------------------------------|
| REFER IN REPLY TO THE FOLLOWING |
| 7, 48.                          |

ALLISON L. AYLESWORTH,  
SECRETARY

ADDRESS ONLY THE  
COMMISSION TO THE FIVE CIVILIZED TRIBES.

Muskogee, Indian Territory, April 19, 1904.

Mary E. Foster,

McDermott, Indian Territory.

Dear Madam:

January 31, 1902, the Department affirmed the decision of the Commission rejecting your application for the enrollment of your minor child, Willie Francis Foster, as a citizen of the Creek Nation. February 10, 1904, the Department rescinded its said decision and directed the Commission to enroll said Willie Francis Foster unless further objection appears.

Accordingly, you are notified that said Willie Francis Foster has been regularly listed for enrollment by the Commission as a citizen of the Creek Nation.

Respectfully,



Commissioner in Charge.

Registered.



8079  
En. 48.

Muskogee, Indian Territory, April 19, 1904.

Honorable P. Porter,  
Principal Chief Creek Nation,  
Muskogee, Indian Territory.

Sir:

January 31, 1902, the Department affirmed the decision of the Commission rejecting the application of Mary E. Foster for the enrollment of her minor child, Willie Frances Foster, as a citizen of the Creek Nation. February 10, 1904, the Department rescinded its said decision and directed the Commission to enroll said Willie Frances Foster unless further objection appears.

Accordingly, you are notified that said Willie Frances Foster has been regularly listed for enrollment by the Commission as a citizen of the Creek Nation.

Respectfully,

Chairman.

## DEPARTMENT OF THE INTERIOR,

COMMISSION TO THE FIVE CIVILIZED TRIBES.

-copy-

IN RE Application for Enrollment, as a citizen of the Creek Nation,  
 of Willie Francis Foster, born on the 2<sup>nd</sup> day of March, 1896.  
 (Here insert name of child.)  
 Name of Father: George W. Foster, <sup>non</sup>a citizen of the Creek Nation.  
 Name of Mother: Mary E. Foster, a citizen of the Creek Nation.  
 Post-office, McDermott, D.T.

## AFFIDAVIT OF MOTHER.

UNITED STATES OF AMERICA, }  
 INDIAN TERRITORY.  
North District. }

I, Mary E. Foster, on oath state that I am 23  
 years of age and a citizen, by blood, of the Creek Nation;  
 that I am the lawful wife of George W. Foster, who is a <sup>non</sup>citizen, by  
blood, of the Creek Nation; that a <sup>female</sup> child was  
 (male or female)  
 born to me on the 2<sup>nd</sup> day of March, 1896; that said child has been  
 named Willie Francis Foster, and is now living.

WITNESSES TO MARK:

(Must be Two Witnesses.)

Subscribed and sworn to before me this 20 day of October, 1899.

James B. Kirby,  
 Acting Chairman NOTARY PUBLIC.

## AFFIDAVIT OF ATTENDING PHYSICIAN, OR MIDWIFE.

UNITED STATES OF AMERICA, }  
 INDIAN TERRITORY.  
North District. }

I, Calley D. Morrey, a midwife, on oath state that I  
 attended on Mrs. Mary E. Foster, wife of George W. Foster,  
 on the 2<sup>nd</sup> day of March, 1896; that there was born to her on  
 said date a <sup>female</sup> child; that said child is now living and is said to have been  
 (male or female)  
 named Willie Francis Foster.

WITNESSES TO MARK:

(Must be Two Witnesses.)

Subscribed and sworn to before me this 20 day of October, 1899.

James B. Kirby,  
 Acting Chairman NOTARY PUBLIC.

CR EN 49

CR EN 49

DEPARTMENT OF THE INTERIOR,  
COMMISSION TO THE FIVE CIVILIZED TRIBES,  
MUSKOGEE, INDIAN TERRITORY.

In the matter of the application of John W. Taylor for the enrollment of himself as a citizen of the Creek Nation.

It appears from the record that on May 17, 1901, a decision was prepared denying the application for the enrollment of John W. Taylor, under the provisions of section 21 of the act of Congress approved June 28, 1898, on the ground that he was a nonresident of the Indian Territory on said date.

Section 29 of the Creek agreement, ratified May 25, 1901, among other things, provides:

"Said commission shall have authority to enroll as Creek citizens \* \* \* \* \* such other recognized citizens found on the Creek rolls as might, by reason of nonresidence, be excluded from enrollment by section twenty-one of said Act of Congress approved June twenty-eighth, eighteen hundred and ninety-eight: Provided, That such nonresidents shall, in good faith, remove to the Creek Nation before said commission shall complete the rolls of Creek citizens as aforesaid."

The testimony taken in support of the application herein June 3, 1901, shows that the applicant, John W. Taylor, is clearly entitled to enrollment under the provision of law above quoted, and he is properly listed for enrollment on Creek Card, Field No. 3857.

It does not appear that the representatives of the Creek Nation have made any objection to the enrollment of the applicant herein and the transmission to the Department of the record in this case is therefore withheld in accordance with instructions of the Acting Secretary of the Interior, under date of February 1, 1902, as follows:

"Do not send records of evidence in Creek cases where you find the applicants are clearly entitled to enrollment and no objection is made by representatives of Creek Nation."

1890-151  
1005-171 - Edward Taylor

DEPARTMENT OF THE INTERIOR,  
COMMISSION TO THE FIVE CIVILIZED TRIBES,  
MUSKOGEE LAND OFFICE, Mar. 15, 1900.

In the Matter of the Application of:  
John Taylor, as a citizen of the Creek Nation.

John Taylor, being first duly sworn, testified as follows:

By Mr. Angell:

- Q How old are you? A Fifty years.
- Q What town do you belong to? A Muyaka.
- Q What is your postoffice address? A Where I am living is Kansas City, Mo., at present; when I am at home Ridge is my postoffice where I get my letters all the time.
- Q What is your father's name? A Grandison Taylor.
- Q Is he living? A No.
- Q How long has he been dead? A About 7 years.
- Q Where did he live? A He lived here for awhile and then he moved up to Kansas City.
- Q Was he a citizen of the Creek nation? A No sir.
- Q What was he? A A colored citizen.
- Q What was your mother's name? A Carthenia Beams.
- Q Is she living? A She's dead.
- Q How long has she been dead? A I guess about 4 years as near as I can remember.
- Q Was she a citizen of the Creek nation? A Yes sir.
- Q Where did she die? A Out on Cane Creek west of here about 20 miles, near Ridge postoffice.
- Q Was she a citizen by blood or adoption? A By blood.
- Q Was she an Indian? A Considered so, yes.
- Q Full blood? A I don't think she was full blood.
- Q How long did she reside in the Creek Nation? A I don't know that, but I know she was here a number of years; I have heard her speak of coming from Alabama somewhere; she was here a number of years.
- Q Did she go to Kansas city with your father? A No, he remained there.
- Q Do you know what the name of her father was? A No sir.
- Q Do you know the name of her mother? A Katie Moore.
- Q Was she an Indian? A I think she was.
- Q You are not positive? A I think she was Indian and white.
- Q How long have you resided in the Creek Nation?
- A I was raised here until I got to go away and work.
- Q How long did you reside in the Creek Nation? A Steady, do you mean? A Yes.
- A Altogether until I got to going to work, fifteen years, going and coming.
- Q Were you born in the Creek Nation? A Yes, when I was large enough to know anything we was living in Gibson over here.
- Q Then you resided here until you were about 12 years old?
- A Yes, until I got big enough to work, going back and forth, working.
- Q Where did you go when you first went out of the Territory?
- A Kansas, somewhere in the neighborhood of Kansas city; I was in a place called Cander, s Kansas.
- Q How long have you been working up in Kansas--living there?
- A Ever since I went there.
- Q Ever since you were 12 or 13? A No, I have been living here part of the time; when I failed to get work there, I applied for a school down here; if I got a school here, I would stay here and

teach; nothing here I could do; tried several times, and went where I could get work.

- Q Did you ever vote in Kansas City? A I believe, once.  
Q Did you ever vote anywhere else? A Yes, I voted here of course.  
Q Where have you been at work during the past 2 years? A I was here part of the time; I wasn't doing anything after I quit school. I staid out t my sisters.  
Q Did you have your wife with you in Kansas City? A Yes sir.  
Q Is she now living? A No, shes dead.  
Q She was not a citizen? A No sir.  
Q Did you draw any Creek payments? A Yes sir.  
Q Did you draw \$29 in 1900? A Yes sir.  
Q Did you get the money yourself? A Yes sir.  
Q Were you in the Creek Nation at that time? A Yes, I was here part of the time; then I had to go away as my work called me, and my mother gave it to me.  
Q Did you draw the \$14 in '95?  
A No, I think my mother drew that; she always did when I was away.  
Q Where were you? A I guess I was in Kansas City, or in Missouri somewhere near Kansas City.

By Col. Needles:

- Q Did you aply as freedman or Indian. A I was on the Indian roll with my mother; that was where we all of us enrolled.; brother and sister and myself and all our people.  
Q Where were you living in '98? A I was here part of the time; I was teaching school, out here on Coal Creek.  
Q Was that your home there? A Yes.  
Q You lived in June, 1898, in the Creek territory? A Yes, I was here in June.  
Q Did you live here? A Yes, I had not gone away then.  
Q I thought you said you had lived in Kansas City for the last 10 or 12 years. A I have been, but at that time I was here.  
Q Was your wife dead at that time? A Yes sir  
Q Have you any children? A No sir.  
Q Were you a citizen of the Creek nation in good faith in June, '98?  
A Yes sir.  
Q Did I understand you to say you were born in the Creek Nation, your mother was an Indian, and that you always lived here until when? When did you go to Kansas? A I have been there about 12 off and on.  
Q About 12 years ago you went back to Kansas? A Yes.  
Q And have been backwards and forwards between Kansas City and here since that? A Yes, and making my home here when I could get work to do; that is, it was my home, but I went away to get work.  
Q Where have you been living the last 2 years? A Here. In '98 I went away shortly afterwards.  
Q Then you have not been living here continuously since June, 1898?  
A Not continuously; staying here; I couldn't get work.  
Q You never was a slave yourself? A No sir.  
Q Was your mother recognized as a Creek Indian? A Yes sir.  
Q On the Creek rolls? A Yes sir.  
Q Did she have any other name besides Carthenia Beams? A When she was married to my father, she was Taylor then.  
Q Did she have any given name besides Carthenia? A Not as I know of.  
Q Wasn't her name dropped from the Creek rolls? A Not as I know of.  
Q Did she belong to Muyaka town? A Yes sir.

Bill McIntosh being first duly sworn, testified as follows:

By Mr. Angell:

- Q What is your name? A Bill McIntosh.
- Q Do you know the applicant here, John Taylor? A Yes sir.
- Q Did you know his father? A No.
- Q Know his mother? A Yes sir.
- Q What was her name? A Carthenia Beams.
- Q Was she a citizen of the Creek nation? A Yes, full citizen; citizen by blood.
- Q She was an Indian? A Indian and white. Her mother died about a mile from my home.
- Q What was her name? A Katie Moore.
- Q Was she an Indian? A She was a full half breed; white and Indian.
- Q Was Carthenia Beams always considered a citizen of the Creek Nation? A Yes, she is on the Nuyaka roll today, and Nuyaka town holds her strong; the chief of the town will testify that she was a citizen.
- Q Do you know how long she has been dead? A She's been dead now a little over four years ago.
- Q You identify this man as her son? A Yes sir.
- Q Do you know where this man had been living for the last 2 years?
- A The last year he taught school here on the creek, but this year he has been in Kansas city.
- Q Know where he was before that? A Before that he was in Kansas City, and come back and taught school here; he has to my knowing.
- Q The fact of the matter is, he has been back and forth between here and Kansas City for the last 15 years? A Yes sir.

John Taylor Recalled.

By Col. Needles:

- Q Where did your wife die? A Kansas City.
- Q Were you living in Kansas City with her when she died? A Yes.
- Q How many years ago? A She has been dead about 3 years ago. Not quite three.

Department of the Interior,  
Commission to the Five Civilized Tribes.

I hereby certify, upon my official oath as  
stenographer to above-named Commission, that this  
transcript is a true, full and correct translation of  
my stenographic notes.

James R. Brown



DEPARTMENT OF THE INTERIOR,  
COMMISSION TO THE FIVE CIVILIZED TRIBES,  
Okmulgee, Indian Territory, May 23, 1901.

In the matter of the application of John Taylor for enrollment as a citizen of the Creek Nation.

John Taylor being first duly sworn testified as follows:

Examination by Acting Chairman Bixby.

Q What is your name? A John W. Taylor.

Q What is your age? A Fifty.

Q What is your postoffice address? A Ridge, Indian Territory.

Q Has that been your postoffice address for the last few months?--  
How long has that been your postoffice address? A For the last few months.

Q What town in the Creek Nation do you belong to? A Muyaka.

Q Are you a recognized member of the Creek Nation? A Yes sir.

Q Where were you born? A Near Ft. Gibson, Indian Territory.

Q Is your name on the rolls of the Creek Nation? A Yes, I saw it down-stairs; General Ester got me the book and I found my name among the rolls.

Tribal rolls of the Creek Nation, for 1898 examined and the name of John Taylor found at No. 171, Muyaka Town.

Q Did you draw the \$14.40? A Yes, I think I did.

Q How did you get it? A Mr Evers I think, drew for my sister and myself and my brother. I went to Muskogee and was teaching school and he drew it and I went to Muskogee and got it.

Q Did you draw the \$29 in 1890? A Yes sir.

Q Who drew the money for you in 1890? A My brother.

Q What is his name? A Solomon Taylor--that is, he gave it to me and I suppose he drew it; possibly my mother drew it; he didn't say.

Authenticated rolls, 1890, Muyaka town examined, and the name of John Taylor found thereon.

Q What is your father's name? A Grandison Taylor.

Q Is he a citizen of the United States or a Creek? A United States citizen.

Q What is your mother's name? A Psthenia Beams.

Q Was she a citizen of the Creek Nation? A Yes sir.

Q Is her name on the Dunn roll? A Yes--she has been living here all her life; she has never been out of the nation; I think it must be.

Q She is recognized as an Indian, or is she a colored woman?

A She has been recognized as an Indian; that is how she come to be on the Muyaka roll.

Q How long have you been living in Kansas City? A I have been backwards and forwards for the last 12 or 15 years; I have staid there sometimes a year at a time, and staid here a year at a time.

Q What have you been doing in Kansas City? A Janitor.

Q Are you married? A No.

Q Who did you work for in Kansas City? A I am janitor for the Fifth Presbyterian church.

Q How long have you been janitor of that church? A About two years; I quit and then went back again.

Q What were you doing before that? A I was traveling around; had no particular job; just house work.

Q When did you first go to Kansas City? A I don't know the year but it has been about 12 or 15 years ago.

Q How many years did you stay in Kansas City after your first visit there? A I guess about a year.

Q Then where did you go? A I come back down here.

Q How long did you stay down here? A About a year and a half maybe.

Q How much of the time of the last 15 years have you spent in Indian Territory? A I don't know really; probably over half.

Q How much of the time during the past five years have you spent

2-John Taylor.

- in Indian Territory. A About half of it.
- Q How much of the time in the past three years have you spent in Indian Territory? A I guess about the same.
- Q Where have you been when in Indian Territory? A With my sister on Cane Creek, with my sisters and brothers and cousins; that is where I make my home.
- Q What employment have you followed while you were in Indian Territory? A I was helping my brother-in-law Sam, and when I wasn't doing that I was teaching.
- Q Who are your people? A Solomon Taylor and--
- Q Is Solomon Taylor your brother? A Yes sir.
- Q What salary did you get while you were working for your brother? A I was at home then.
- Q Just on a visit, wasn't you? A No, I staid there and worked while I was there.
- Q Working for your board? A I didn't get any pay for it; they didn't charge me anything; just made it my home while I was there. I started to buy a place.
- Q Where were you married? A Kansas City.
- Q Have you any children? A No sir.
- Q Did you ever have any? A No.
- Q Is your wife dead? A Yes sir.
- Q How long has she been dead? A About three years.
- Q She died in Kansas City? A Yes, we was living here when she took sick and I took her back.

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You will be furnished with a copy of the decision of the Commission at a later date, mailed to you at your postoffice address as given in your testimony.

-----C-----

Frances R. Brown having been first duly sworn upon oath states that as stenographer to the Commission to the Five Civilized Tribes she reported in full all proceedings had in the above entitled cause and that the above and foregoing is a full, true and correct transcript of her stenographic notes of said proceedings on said date.

*Frances R. Brown*

Subscribed and sworn to before me this 24 day of May, 1901.

  
Acting Chairman.

DEPARTMENT OF THE INTERIOR,  
COMMISSION TO THE FIVE CIVILIZED TRIBES,  
Okmulgee, Indian Territory, May 24, 1901.

In the matter of the application of John W. Taylor for enrollment as a citizen by adoption of the Creek Nation.

Chofullop Harjo being first duly sworn, testified as follows:  
Through Interpreter Sam Checote.

- Q What is your name? A Chofullop Harjo.  
Q How old are you? A About 44 years.  
Q What is your postoffice address? A Morse, I. T.  
Q Are you a citizen of the Creek nation? A Yes sir.  
Q Are you holding any official position in the Creek government at this time? A Yes, I am one of the council members.  
Q Are you a member of the house of warriors? A Yes sir.  
Q For which town are you King? A Nuyaka.  
Q How long have you been town king of Nuyaka town? A Just a short time.  
Q Have you ever been a member of the house of warriors? A Yes, all along until two years ago and then I was re-elected again to the house of Kings.  
Q Are you acquainted with the citizens belonging to Nuyaka town?  
A Yes sir.  
Q Do you know John W. Taylor, the applicant in this case? A Yes, John Taylor lived down on Cane creek, and I understood him to say that he was enrolled with the Conchartys for a long time, but still he belonged to Nuyaka town.  
Q The question is, did you know John W. Taylor? A I have never seen him but I know the old folks.  
Q What is his father's name? A I don't know his father, but I know his mother.  
Q What is his mother's name? A I can't hardly remember; I can't say it; if I would hear it I would remember, but I can't pronounce it.  
Q Were you personally acquainted with her? A Yes, used to live with her--stay there at the house.  
Q How many years have you known her? A Just after peace, I lived with that woman.  
Q How do you know that this John W. Taylor is her son? A I think he is John Taylor; I can't swear positively that that is him but I think that is the boy. I haven't seen him for a long time; he was a child when I saw him last time.  
Q You haven't seen him since he was a child? A No sir.  
Q Do you know where John Taylor has been living for the past 15 years? A Suppose they lived down on Cane creek; that is where they was the last time.  
Q The last time you saw them was some 25 or 30 years ago, wasn't it?  
A Might be somewhere along there.  
Q Have you seen John W. Taylor previous to this meeting of the council in the past 15 years? A No, I haven't seen him since.  
Q Have you seen most of the citizens of Nuyaka town during the past 15 years? A Yes, I have seen pretty near all of them.

-----  
Frances R. Brown having been first duly sworn upon oath states that as stenographer to the Commission to the Five Civilized Tribes she reported in full all proceedings had in the above entitled cause on the 24th day of May, 1901, and that the above and foregoing is a full, true and correct transcript of her stenographic notes of said proceedings on said date.

Subscribed and sworn to before me this 24th day of May, 1901.

*Frances R. Brown*  
Noting Chairman.

DEPARTMENT OF THE INTERIOR  
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application of John Taylor for enrollment as a citizen of the Creek Nation.

D E C I S I O N .

It appears from the record in this case that on March 15, 1900, John Taylor appeared before this Commission at Muskogee, Indian Territory and made application for enrollment as a citizen by blood of the Creek Nation.

It also appears that said John Taylor has been heretofore recognized as a citizen of the Creek Nation by the tribal authorities thereof and upon examination of the tribal rolls of said Nation now in the possession of this Commission the name of John Taylor is found upon the 1890 authenticated Creek roll page 151 as a member of Muyaka Town and upon the 1895 Pay roll of Muyaka Town under the name of John W. Taylor.

It further appears that said John Taylor has resided outside of the Indian Territory the greater portion of the past twelve or fifteen years and the evidence fails to show that on June 28, 1898, he had removed to and in good faith settled in the Creek Nation.

The act of Congress approved June 28, 1898, ( 30 Stats. 495) provides:

"No person shall be enrolled who has not heretofore removed to and in good faith settled in the nation in which he claims citizenship: Provided, however, That nothing contained in this act shall be so construed as to militate against any rights or privileges which the Mississippi Choctaws may have under the laws of or the treaties with the United States."

It is therefore the opinion of this Commission that in accordance with the provision of law above quoted the application of said John Taylor for enrollment as a citizen of the Creek Nation should be denied and it is so ordered.

The Commission to the Five Civilized Tribes.



Acting Chairman.

Dated at Okmulgee, Indian Territory,  
this the 17th day of May, 1901.



10

DEPARTMENT OF THE INTERIOR,  
COMMISSION TO THE FIVE CIVILIZED TRIBES.  
Muskogee, Indian Territory, June 3, 1901.

In the matter of the application of John W. Taylor for the enrollment of himself under the agreement approved May 25, 1901.

John W. Taylor being first duly sworn testified as follows

Examination by the Commission:

- Q State your name? A John W. Taylor.
- Q What is your age? A Fifty years. *Ridge*
- Q What is your postoffice address? A Reed, Indian Territory.
- Q Are you a citizen of the Creek Nation? A Yes sir.
- Q Where did you live? A Near Reed, about half a mile north, with my brother, Solomon Taylor.
- Q In the Creek Nation. A Yes sir.
- Q How long have you been living there? A I have been living there four or five months; that is, making my home with them; I was staying with my sister about a quarter of a mile east.
- Q Where did you live before that time? A I was here part of the time and a part of the time in Kansas City.
- Q How long did you live in Kansas City? A Altogether for about fifteen years, I have been backwards and forwards; I have been here about as much as I have there; taught school and worked with my sister.
- Q Where were you born? A Near Ft. Gibson.
- Q Have you any children under 21 years of age? A No sir.
- Q What is your father's name? A Grandison Taylor.
- Q Is he living? A No sir.
- Q Was he a citizen of the Creek Nation? A No, United States citizen.
- Q What is your mother's name? A Parthenia Beams.
- Q Is she living? A No sir.
- Q Was she a citizen of the Creek Nation? A Yes sir.
- Q What town did she belong to? A Nuyaka.
- Q Did you ever vote while you were in Kansas? A A good while ago, yes. Several years ago.
- Q Who did you vote for--for what office? A I just don't remember now. It was city, but I don't remember the man's name.
- Q In the city election? A Yes sir.
- Q What city? A Kansas City. Years ago.
- Q Did you ever vote in the state or national elections? A No sir.
- Q Does your name appear upon the tribal rolls of the Creek Nation?
- A Yes sir. Been on there ever since I was a boy.

1890 authenticated Creek roll for Nuyaka Town, examined, and the name of John Taylor found thereon at page 151.

1895 authenticated Creek roll for Nuyaka Town, examined, and the name of John W. Taylor found thereon at No. 171.

It also appears from the records of this Commission that on the 17th day of May, 1901, the application of John Taylor for the enrollment of himself was refused for the reason that the said applicant was a non-resident of the Indian Territory prior to June 28, 1898, and did not in good faith, remove to and settle in the Creek Nation in accordance with the provisions of the act of Congress approved June 28, 1898 (30 Stats., 495), which reads as follows: "No person shall be enrolled who has not heretofore removed to and in good faith settled in the nation in which he claims citizenship."

----- o -----

2- John W. Taylor.

Frances R. Brown having been first duly sworn upon oath states that as stenographer to the Commission to the Five Civilized Tribes she reported in full all proceedings had in the above entitled cause on the 3rd day of June, 1901, and that the above and foregoing is a full, true and correct transcript of her stenographic notes of said proceedings on said date.

*Frances R. Brown*

Subscribed and sworn to before me this 3rd day of June, 1901.



Acting Chairman.

EMPTY



CR EN 51

CR EN 51

DEPARTMENT OF THE INTERIOR.  
COMMISSION TO THE FIVE CIVILIZED TRIBES.  
MUSKOGEE, APRIL 9, 1900.

In the Matter of the Application of William Nelson and  
*Morey*  
Mary Francis, for enrollment as citizens of the Creek Nation.

Laura Kitchen, being first duly sworn, testifies as follows

- Q Are you a citizen of the Creek Nation? A No sir.
- Q Are you the mother of these two children? A Yes sir.
- Q Who was the father of these children? A Nelson Morey.
- Q How old is William Nelson? A He will be six years old June 10th.  
next.
- Q How old is Mary? A She was three years old December 9, 1899.
- Q Who is the mother of your former husband, Nelson Morey? A Callie  
D. Morey.
- Q Is she now living? A Yes sir.
- Q Is she a citizen of the Creek Nation? A Yes sir.
- Q Do you know how she became a citizen? A By blood.
- Q Was her name ever put on the Creek rolls? A I don't know.
- Q Wasn't she admitted to citizenship by the Dawes Commission?  
A Yes sir.
- Q Did Nelson Morey, who was then your husband, die before he could  
apply to the Dawes Commission for admission? A Yes sir.
- Q When did he die? A He died May 10, 1896.
- Q Was this eldest child alive when Callie D. Morey was admitted to  
citizenship by the Dawes Commission? A Yes sir.
- Q The youngest child, Mary, was born after Callie D. Morey was admit-  
ted? A Yes sir.
- Q Did you or her grandmother ever draw any money from the Creek Nation  
for your eldest child, William Nelson? A No sir.

Q It then appears that your eldest son, William Nelson, was living at the time the Dawes Commission admitted your mother to citizenship and that your youngest child, Mary, was born after she was admitted?

A Yes sir.

COMMISSIONERS  
HENRY L. DAWES,  
TAMM BIXBY,  
THOMAS B. NEEDLES,  
C. R. BRECKINRIDGE.

ALLISON L. AYLESWORTH,  
SECRETARY.

DEPARTMENT OF THE INTERIOR,  
COMMISSION TO THE FIVE CIVILIZED TRIBES.

(COPY)

ADDRESS ONLY THE  
COMMISSION TO THE FIVE CIVILIZED TRIBES

Atoka, Indian Territory, April 19, 1897.

Wm. Blankenship, Esq.,

Senora, Indian Territory.

Sir:

Your communication of April 6th, addressed to the Secretary of the Interior, has been forwarded to this office for such reply as this Commission may deem expedient. In reply to your inquiry beg to state, that the two grand children that were omitted from the petition when application for citizenship was made to this Commission, should have been included in this petition. It seems to us that the best course for these parties to pursue, is to make strong proof of the fact that they are the grandchildren of of Calie D. Morey, and then forward said proof to this Commission. When the final rolls of the Creek Nation are made up, this evidence will be placed before the Commission, and same given the consideration to which it may be entitled.

Very respectfully,

Frank C. Armstrong,

Acting Chairman.

(COPY)

|                       |                          |
|-----------------------|--------------------------|
|                       | ( Wm.N. & Mary F. Morey. |
| Wm.Blankenship, Atty. | (                        |
|                       | ( Vs.                    |
| Senora, I.T.          | ( Creek Nation.          |

Now comes Calie D. Morey, who being duly sworn deposes and  
sales that she is a citizen of Creek Nation by act of Dawes Commis-  
sion and that she is the Grand mother of Wm. N. & Mary F. Morey  
whose Father is dead and that said children's names were omitted  
from former petition through negligence of attorney.

(Signed) Calie D. Morey.

Sworn and subscribed to before me this 29 May 1897.

R. L. Simpson

Notary Public.

(SEAL)

(COPY)

Wm. Blankenship, Atty. ( Wm. N. & Mary F. Morey  
Senora I.T. ( Vs.  
( Creek Nation.

Now comes Laura Morey who being duly sworn deposes and saies  
that she resides in the Creek Nation & that she is the daughter in law  
of Calie D. Morey & the mother of Wm. N. & Mary F. Morey and that  
her husband who died in May 1896 was a son of Calie D. Morey.

(Signed) Laura Morey.

Sworn and subscribed to before me this 29 May 1897.

R. L. Simpson

Notary Public.

(Seal)

Please give decision in the case as early as possible and  
oblige yours truly

Wm. Blankenship, Atty.

Senora I.T.

(COPY)

Wm.Blankenship Atty ( Wm.N. & Mary F. Morey  
Senora I.T. ( Vs.  
( Creek Nation.

Now comes Wm.D.Stewart who be ing duly sworn deposes and saies  
that he resides in the Creek Nation and that he is acquainted with  
Calie D. Morey & Laura Morey and knows the statement made by them  
to be true and knows that Wm. N. & Mary F. Morey are Grandchildren  
of Calie D.Morey.

(Signed) W. D. Stewart.

Sworn & subscribed to before me this 29 May 1897

R. L. Simpson

Notary Public.

(BEAL)



DEPARTMENT OF THE INTERIOR  
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application of Laura Kitchen for the enrollment of her minor children, William Nelson Morey and Mary Francis Morey as citizens of the Creek Nation.

D E C I S I O N .

It appears from the record in this case that on April 2, 1900, Laura Kitchen, a citizen of the United States, appeared before this Commission at Muskogee, Indian Territory and made application for the enrollment of her minor children William Nelson Morey and Mary Francis Morey as citizens of the Creek Nation, basing their right to enrollment upon the fact that the father of the said children was Nelson Morey a son of Callie D. Morey, who was admitted to citizenship by this Commission in 1896.

It also appears that Nelson Morey, the father of the said children died May 10, 1896 and that consequently no application for citizenship was made by him or on his behalf in accordance with the provisions of the act of Congress approved June 10, 1896, ( 2p Stats. 321).

It further appears that the application of Callie D. Morey the paternal grand-mother of the said William Nelson Morey and Mary Francis Morey for admission to citizenship in the Creek Nation was granted by this Commission in 1896 in accordance with the provisions of the act of June 10, 1896, ( Supra); that no appeal was taken from the decision of this Commission granting said application and that William Nelson Morey although Born June 10, 1894 was not included in said application.

It also appears from the testimony that the said Mary Francis Morey was born December 9, 1896 subsequent to the date of the petition of her grand-mother, Callie D. Morey for admission to citizenship although the affidavit of the said Callie D. Morey dated May 29, 1897 states that William N. and Mary F. Morey were omitted from said petition.

It is therefore the opinion of the Commission that the said William Nelson Morey and Mary Francis Morey are not recognized citizens of the Creek Nation nor duly and lawfully enrolled or admitted as such and that claiming citizenship through their father, Nelson Morey they are not the descendants of a recognized citizen of the Creek Nation who had been duly and lawfully enrolled or admitted as such and that the application for their enrollment as citizens of the said Nation should be denied and it is so ordered.

The Commission to the Five Civilized Tribes.

Dated at Okmulgee, Indian Territory,  
this the 14th day of May, 1901.

  
Acting Chairman.

  
Commissioner.

Commissioner.

(507)

Washoe, Indian Territory, January 18, 1903.

The Honorable,

The Secretary of the Interior.

Sir:

There is herewith transmitted the record of proceedings in the matter of the application of Laura Kitchen for the enrollment of William Nelson Moray and Mary Francis Moray as citizens of the Creek Nation, including the decision of the Commission, dated May 14, 1901, denying said application.

Respectfully,

T.B. Needles.

Commissioner in charge.

I enclose  
Creek Sl.

Through the Commissioner  
of Indian Affairs.

COMMISSIONERS  
HENRY L. DAWES,  
TAMM DIXBY,  
THOMAS B. NEEDLES,  
C. R. BRECKINRIDGE.

ALLISON L. AYLESWORTH,  
SECRETARY.

DEPARTMENT OF THE INTERIOR,  
COMMISSION TO THE FIVE CIVILIZED TRIBES.

ADDRESS ONLY THE  
COMMISSION TO THE FIVE CIVILIZED TRIBES

Muskogee, Indian Territory, January 16, 1908.

Laura Kitchen,

Watsonville, Indian Territory.

Déar Madam:

There is herewith enclosed a copy of the decision of the Commission to the Five Civilized Tribes in the matter of the application made by you for the enrollment of your children, William Nelson Morey and Mary Francis Morey, as citizens of the Creek Nation.

The decision, with a copy of the proceedings had in the case, is this day transmitted to the Secretary of the Interior for his review and decision. The final decision of the Secretary will be made known to you as soon as the Commission is informed of the same.

Yours truly,

  
Commissioner in charge.

1 enclosure LK-51.  
Registered.

(COPY)

Muskogee, Indian Territory, January 16, 1902.

A. P. McKellop, Esq.,

H. C. Reed, Esq.,

Attorneys for Creek Nation,

Muskogee, Indian Territory.

Gentlemen:

There is herewith enclosed a copy of the decision of the Commission to the Five Civilized Tribes in the matter of the application for the enrollment of William Nelson Morey and Mary Francis Morey as citizens of the Creek Nation.

The decision, with a copy of the proceedings had in the case, is this day transmitted to the Secretary of the Interior for his review and decision. The final decision of the Secretary will be made known to you as soon as the Commission is informed of the same.

Yours truly,

T. B. Needles.

Commissioner in charge.

1 enclosure McK & R-51.  
Registered.

(COPY)

Refer in reply to the following:

Land  
4005—1902.

Department of the Interior,  
Office of Indian Affairs,  
Washington, January 29, 1902.

The Honorable,

The Secretary of the Interior.

Sir:

There is inclosed herewith a report dated January 16, 1902, from T. B. Needles, Esq., Commissioner in charge of the work of the Dawes Commission transmitting for the Department's consideration the record in the matter of the application of Laura Kitchen for the enrollment of her minor children William Nelson Morey and Mary Francis Morey, as citizens of the Creek Nation.

The Commission denied the application.

From the record in this case it appears that the paternal grandmother of said children, Callie D. Morey, was admitted to citizenship in the Creek Nation by the Commission in 1896, under the provisions of the act of June 10, 1896; that the father of said children was Nelson Morey; that William Nelson Morey was born June 10, 1894, and that no application for his enrollment was made to the Commission in 1896, and that Mary Francis Morey was born December 9, 1896, which was subsequent to the date of the application of her grandmother for enrollment as a citizen of the Creek Nation. It does not appear that the mother of these children made application for the enrollment of herself or for the enrollment

of her children, or that any other person made application for the enrollment of William Nelson Morey who was born prior to the date of the act of June 10, 1896.

From the record before the office it is thought that the decision of the Commission is correct, and that it should be approved.

Very respectfully,

Your obedient servant,

W. A. Jones,

Commissioner.

GAW  
D

3 inclosures.

(COPY)

D.C.No. 1855-1902.

7754.

T.P.

Department of the Interior.  
Washington.

C.

I.T.D.  
625-1902.

L.R.S.

February 3, 1902.

The Commission to the  
Five Civilized Tribes,  
Muskogee, Indian Territory.

Gentlemen:

On January 29, 1902, the Commissioner of Indian Affairs transmitted the record in the matter of the application of Laura Kitchen for the enrollment of her minor children William Nelson Morey and Mary Francis Morey as citizens of the Creek Nation, claiming by virtue of the fact that the father of these children, Nelson Morey, was a son of Gallie D. Morey, who was admitted to citizenship by your Commission in 1896. It appears that William Nelson Morey was born June 10, 1894, and that no application for his enrollment was made to the Commission in 1896, and that Mary Francis Morey was born December 9, 1896, which was subsequent to the date of the application of her grandmother for enrollment as a citizen of the Creek Nation.

You state that these applicants are not recognized citizens of the Creek Nation nor duly and lawfully enrolled or admitted as such, and that, claiming citizenship through their father, Nelson Morey, they are not the descendants of a recognized citizen of the Creek Nation who has been duly and lawfully



-2-

enrolled or admitted as such, and that the application for their enrollment should be denied.

The Commissioner of Indian Affairs concurs in your views, and the Department also concurring, your decision is affirmed.

A copy of the Commissioner's letter is inclosed.

Respectfully,

Thos. Ryan  
Acting Secretary.  
EMD.

1 inclosure.

COMMISSIONERS

HENRY L. DAWES.  
TAMM BIXBY.  
THOMAS B. NEEDLES.  
C. R. BRECKINRIDGE.

ALLISON L. AYLESWORTH,  
SECRETARY.

DEPARTMENT OF THE INTERIOR,  
COMMISSION TO THE FIVE CIVILIZED TRIBES.

ADDRESS ONLY THE  
COMMISSION TO THE FIVE CIVILIZED TRIBES

Muskogee, Indian Territory, February 11, 1902.

Laura Kitchen,

Watsonville, Indian Territory.

Dear Madam:

You are hereby advised that the Secretary of the Interior, under date of February 3, 1902, affirmed the decision of the Commission, dated May 14, 1901, denying the application made by you for the enrollment of William Nelson Morey and Mary Francis Morey as citizens of the Creek Nation.

Yours truly,

  
Commissioner in charge.

COMMISSIONERS  
HENRY L. DAWES.  
TAMM BIXBY.  
THOMAS B. NEEDLES.  
C. R. BRACKINRIDGE.

ALLISON L. AYLESWORTH,  
SECRETARY.

DEPARTMENT OF THE INTERIOR,  
COMMISSION TO THE FIVE CIVILIZED TRIBES.

(COPY)

ADDRESS ONLY THE  
COMMISSION TO THE FIVE CIVILIZED TRIBES

Muskogee, Indian Territory, February 11, 1902.

A. P. McKellop, Esq.,

H. G. Reed, Esq.,

Attorneys for Creek Nation,

Muskogee, Indian Territory.

Gentlemen:

You are hereby advised that the Secretary of the Interior, under date of February 3, 1902, affirmed the decision of the Commission, dated May 14, 1901, denying the application made by Laura Kitchen for the enrollment of her children, William Nelson Morey and Mary Francis Morey, as citizens of the Creek Nation.

Yours truly,

T.B. Needles

Commissioner in charge.

CR EN 52

CR EN 52

DEPARTMENT OF THE INTERIOR,  
COMMISSION TO THE FIVE CIVILIZED TRIBES,  
MUSKOGEE LAND OFFICE, Apr. 12, 1900.

In the Matter of the Application for Enrollment :  
of Anson Morey as a citizen of the Creek Nation, :  
he claiming to have been enrolled as Susan Morey :  
by the Dawes Commission, on the allowance of the :  
Application of his mother, Callie D. Morey, and :  
her family to citizenship in the Creek Nation, in :  
~~xxxxxxxxxx~~ 1896. :

S. B. Dawes, Esq., representing the Applicant:

BEFORE THE COMMISSION TO THE FIVE CIVILIZED TRIBES:

-----o-----

Mrs. Morey, being first duly sworn, testified as follows:

By Mr. Dawes:

- Q Your name is Callie D. Morey? A Yes sir.  
Q Are you a citizen of the Creek nation? A Yes sir.  
Q Are you a Creek Indian by blood? A Yes sir.  
Q Are you the Callie D. Morey who, with your family, was admitted to citizenship in the Creek nation by the Dawes Commission in '96?  
A Yes sir.  
Q State the names of your children who were then living, beginning with the oldest one? A Mary Elizabeth Foster; she is married.  
Q What is her age? A She is 23 years old now.  
Q What is the name of the next one? A Anson.  
Q How old is he? A He will be 21 on the 17th of this month.  
Q What is the name of the next one? A Willie S. Morey, a girl.  
Q How old is she? A 18 years.  
Q The next one? A Sammy Morey, age 15 years.  
Q And the next one? A Tally D. Morey, 13 years.  
Q The next one? A George Washington Morey, 8 years.  
Q Who wrote this application made by you to the Dawes Commission for admission to citizenship in the Creek Nation? A Mr. Calkins.  
Q Who is Calkins? A He was a lawyer in Sapulpa.  
Q Did you give him the names and ages of your children when he was writing out the application? A I did, as correct as I could.  
Q Have you a son or daughter by the name of Susan? A No sir.  
Q Did you ever have? A No sir.  
Q Who was meant by Susan Morey in this application? A I don't know.  
Q What name did you give? A I gave them just as I gave this time; there was no Susan in the family.  
Q Was Anson about 17 or 18 at the time you gave your application in 1896? A Yes sir.  
Q How many children have you dead? A Six.  
Q Give the date of the death of the last one? A The 10th of next May will be four years ago.  
Q What is the name of that one? A Nelson Lafayette.  
Q How long has it been since the death of the one who dies before Nelson Lafayette? A Nine years.  
Q What was the name of that one? A Annie Morey.

- Q Before that one, how long was it since you had a death?  
A Nineteen years ago.  
Q What was the name of that one? A Nancy Ann.  
Q You never had a child named Susan? A No sir.  
Q How long have you lived in the Creek Nation? A 8 years.  
Q Has this boy Anson lived with you all that time? A Yes; he was not at home a while last summer, but was in the Creek nation.  
Q Was he living with you at the time he made this application to the Dawes Commission? A Yes sir.

By Commissioner Needles:

- Q Do you contend that Susan in this was intended for Anson? A It ought to have been; I never had a Susan in the family.  
Q Anson then, in the only one of your family not included in this judgment? A Yes sir.  
Q And you gave his name to the attorney, Calkins? A Yes sir.  
Q When did you find out this mistake? A Last August when I come to file; I had to go to Okmulgee and get a man by the name of Smith that my children went to Sunday school two years to, and I got him before the Dawes Commission, and he called off the names and told them that was the young man, his name was Anson.  
Q Is Anson a full brother to your other children? A Yes sir.  
Q Where was he born? A In Chickasaw.  
Q How long had you lived in the Chickasaw country before you came to the Creek country? A I expect 12 years.  
Q And you moved from there to the Creek Nation? A Yes sir.  
Q You signed this application? A Yes, I signed it.  
Q Was it read over to you? A He never read it that way to me.  
Q He would not have any object in reading it to you wrong? A I don't know why he did it; he just wrote it and we signed it; because I told him to put the children's names down; his grandmother was with me; he read it to her and me both, and he swore us and we signed it; I thought it was right or I wouldn't have signed it.  
Q How long has this son lived in the Creek nation? A He has been here since I come here, 8 years ago.  
Q Have you got Calkins here as a witness? A No, I don't know where he is.  
Q Is that the reason why you have not got him? A No, I never thought anything about needing him; he was at Tulsa when he did my writing.  
Q Do you know whether he is there yet? A No, I don't know whether he is or not.

By Mr. Dawes:

- Q Where do you live now? A Up here about 50 miles in the Creek Nation.  
Q In what direction from Okmulgee? A SE.  
Q How far SE of Okmulgee? A About 25 miles; a days drive of Okmulgee.

By Commissioner Needles:

- Q How far from Tulsa? A I don't know.  
Q Did you live there when you made this application? A Yes sir.  
Q And went to Tulsa to have Calkins make it? A My father's people were there; that is why I went there; my folks, the Perrymans was there.

WILLIAM J. STEWART, being first duly sworn, testified as follows:

By Mr. Daves:

- Q Are you acquainted with Mrs. Callie D. Morey? A Yes sir.  
Q How long have you known her? A I have been acquainted with her ever since the year 1889.  
Q Are you acquainted with the different members of her family?  
A Yes sir.  
Q Her children? A Yes sir.  
Q Can you name them, beginning with the eldest, and down to the youngest that are living now? A Yes sir.  
Q Give the name of the oldest? A Mary E. Foster, Anson Morey, Willie S. Morey, Sammy Morey, Tally Morey and Geo. Washington Morey.  
Q Since you have known the family, had there been a child by the name of Susan? A No, I have never known a Susan in the family.  
Q You say you have known the family ever since 1889? A Yes sir.  
Q How far did you live from them? A I have lived from 300 yards to five miles.  
Q What relation are you to them? A No relation any more than my daughter married Mrs. Morey's son.  
Q Which one? A Nelson; the one that is dead.  
Q You knew Anson, did you? A Yes, that is Anson there.

ROBERT CRAWFORD, being first duly sworn, testified as follows:

By Mr. Daves:

- Q Do you know Mrs. Callie D. Morey? A Yes sir.  
Q How long? A About 15 or 16 years.  
Q Do you know the different members of her family? A Yes sir.  
Q Have you known them during the last 15 or 16 years? A Yes sir.  
Q Can you name her children who are living, up to November, 1896, beginning with the oldest one? A Bettie Foster--or Mary Elizabeth Foster, Anson Morey, Willie S. Morey, Sammy Morey, Tally D. Morey and Geo. Washington Morey.  
Q Have you ever known a child of hers by the name of Susan Morey?  
A No sir.  
Q Has there ever been a child in her family by that name? since you have known them? A No sir.  
Q Are you related to them in any way? A No sir.

By Commissioner Needles?

- Q Is this Anson Morey the son of Callie Morey? A Yes sir.  
Q You never knew any Susan? A No sir. Not until this dispute came up.  
Q Neither dead nor living? A No sir.  
Q How many of her children have died? since you have known the family? A Two/ one was named Nelson, and I don't know the other's name.  
Q Both boys? A I think the other was a girl, 5 or 6 weeks old when she died.  
Q When did she die? A About 9 years ago, the best I can recollect.  
Q Of Callie Morey's children, how many boys and how many girls were living in 1896? A Three of each.  
Q How many girls were living in '96? A Three.  
Q And how many boys? A Three.  
Q What was the name of the girls? A Mary--we always called her Betty Foster, Willie S., and Tally.



Q What was the names of the boys? A Anson, Sammy and George Washington.

Q That was all her children? A Yes sir.

By Mr. Dawes:

Q Did you know Nelson Morey, her son? A Yes sir.

Q He died prior to the rendition of this judgment, Nov. 6, ? A Yes.

Q And the children you have named were the children living at that time? A Yes, and living now.

WILLIE S. MORREY, being first duly sworn, testified as follows:

By Commissioner Needles:

Q How old are you? A Eighteen the 11 of last November.

Q Did you have some brothers and sisters? A Yes sir.

Q How many brothers did you have? A Three.

Q How many sisters? A Two.

Q What are their names? A Mary Fosteer and Tally D. Morey.

Q Did you have a sister by the name of Susan? A No sir.

Q Any kin by the name of Susan? A Yes, I have got a cousin by the name of Susan Whitley.

Q Did she ever live with your mother? A No sir.

Q Where does she live? A Mufaula.

Q Has she ever applied to the Dawes Commission for admission to citizenship? A If she has I don't know about it.

Q Are you older or younger than Anson? A I am younger than he is.

By Mr. Dawes:

Q This Susan Whitley, is she a recognized citizen of the Creek Nation?

A I don't know; I want to get someone to look up the record today.

MRS. MOREY, Recalled.

By Mr. Dawes:

Q Did you make application for Susan Whitley in your family for citizenship? A No sir.

Q Did she ever live with your family?

A No, she is a niece of mine.

Q On what side? A Her mother was my own sister.

By Commissioner Needles:

Q Did she ever live with you? A No, she come and staid a week or two.

Q She was not living with you at the time you made this application?

A No, she lived at Waggoner.

Q Is she married? A No sir.

Q Are her father and mother alive? A No, both dead.

Q She is an orphan? A Yes sir.

Q You are the nearest relation she has got? A Yes sir.

Q You are pretty sure you did not make application for her at this time? A No, I didn't; I hadn't any right; she was not my family.

Q Who would have the right? You say her mother and father are dead? A Yes sir.

Q And you are her nearest relative? A Yes sir.

Q And you say she is entitled to citizenship? A Yes, I know he is.

Q And you say you didn't apply for her? A No sir.

Q Didn't you make a mistake and get her name in instead of Ansons?

A No, I know I didn't.

By Mr. Daves:

- Q You say she has a sister? A Yes, her sister married Jim Childers.
- Q He is the husband of her sister? A Yes sir.
- Q She makes her home with the family of Jim Childers? A Yes, the biggest part of the time. She is working at Bufaula some of the time.
- Q Was she living with Jim Childers at the time you made this application? A Yes, she was.
- Q Living with her sister? A Yes sir.

By Commissioner Needles:

- Q She never did live with you? A No sir.
- Q How long have her mother and father been dead? A Her mother died four years ago; and her father about 17 years ago.
- Q Who has she been living with? A With Jim Childers in Waggoner.
- Q Who was the father of your children? A Wm. Morey.
- Q He was the father of all of them? A Yes sir.
- Q You have no next of kin by the name of Susan except the one you have just mentioned, your niece, Susan Whilly? A No sir.
- Q You have got no orphan children or relation living with you by the name of Susan? A No sir.
- Q Any orphan child living with you by any other name? A Yes, little Tom Perryman, my brother's chuld.

Department of the Interior,

Commission to the Five Civilized Tribes.

*I hereby certify, upon my official oath as stenographer to above named Commission, that this transcript is a true, just and correct translation of my stenographic notes.*

*Francis R. Brown*

DEPARTMENT OF THE INTERIOR  
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application of Anson Morey for enrollment as a citizen of the Creek Nation.

DECISION.

It appears from the record in this case that on April 12, 1900, Anson Morey appeared before this Commission at Muskogee, Indian Territory and made application for enrollment as a citizen of the Creek Nation, claiming to have been admitted to citizenship in the Creek Nation by the Dawes Commission in accordance with the provisions of the act of Congress of June 10, 1896, ( 29 Stats. 321) under the name of Susan Morey.

It also appears that Callie D. Morey made application to this Commission in 1896 for the enrollment of herself and her minor children and for her son, Anson Morey, the applicant in this case, as citizens of the Creek Nation. That the docket entry of the Commission made at that time gave the name of Susan Morey. That the said Callie D. Morey and her minor children were admitted to citizenship in the Creek Nation by this Commission upon the application filed by her in accordance with the provisions of the act of June 10, 1896 ( supra) and that no appeal was taken from the decision of this Commission. Upon an examination of the original application made in 1896 and the affidavits in support thereof on file in the office of this Commission, it appears that the name entered upon the docket as 'Susan' was in reality 'Anson'. That the entry of the name of Susan Morey upon the citizenship docket of the Commission in 1896 was in fact a clerical error.


It is therefore the opinion of the Commission that Anson Morey has been lawfully admitted to citizenship in the Creek Nation and that he should be enrolled as a citizen thereof and it is so ordered.

The Commission to the Five Civilized Tribes.

Dated at Okmulgee, Indian Territory,  
this the 11<sup>th</sup> day of May, 1901.

  
Acting Chairman.

  
Commissioner.

  
Commissioner/

C O P Y .

Washoe, Indian Territory, January 16, 1902.

The Honorable,

The Secretary of the Interior.

Sir:

There is herewith transmitted the record of proceedings in the matter of the application of Anson Moroy for enrollment as a citizen of the Creek Nation, including the decision of the Commission, dated May 11th, 1901, enrolling said applicant as a citizen of said nation.

Respectfully,

T. B. Needles.

Commissioner in Charge.

Through the Commissioner  
of Indian Affairs

1 enclosure  
Creek-52.

COMMISSIONERS:

HENRY L. DAWES,  
TAMM BIXBY,  
THOMAS B. NEEDLES,  
C. R. BRECKINRIDGE.

ALLISON L. AYLESWORTH,  
SECRETARY.

DEPARTMENT OF THE INTERIOR,  
COMMISSION TO THE FIVE CIVILIZED TRIBES.

ADDRESS ONLY THE  
COMMISSION TO THE FIVE CIVILIZED TRIBES

Muskogee, Indian Territory, January 16, 1902.

Anson Morey,

Watsonville, Indian Territory.

Dear Sir:

There is herewith enclosed a copy of the decision of the Commission to the Five Civilized Tribes in the matter of the application made by you for your enrollment as a citizen of the Creek Nation.

The decision, with a copy of the proceedings had in the case, is this day transmitted to the secretary of the Interior for review and decision. The final decision of the Secretary will be made known to you as soon as the Commission is informed of the same.

Yours truly,



Commissioner in Charge.

1 enclosure.  
A.M.  
Registered.

C O P Y .

Muskogee, Indian Territory, January 16, 1908.

S. B. Daven, Esq.,

Attorney for Anson Moroy,

Muskogee, Indian Territory.

Dear Sir:

There is herewith enclosed a copy of the decision of the Commission to the Five Civilized Tribes in the matter of the application of Anson Moroy for his enrollment as a citizen of the Creek Nation.

The decision, with a copy of the proceedings had in the case, is this day transmitted to the Secretary of the Interior for his review and decision. The final decision of the Secretary will be made known to you as soon as the Commission is informed of the same.

Yours truly,

T. B. Needles.

Commissioner in Charge.

1 enclosure,  
S. B. D. (2)  
Registered.

~~SECRET~~

Muskogee, Indian Territory, January 16, 1902.

A. P. McKelley, Esq.,

H. E. Reed, Esq.,

Attorneys for the Creek Nation,

Muskogee, Indian Territory.

Gentlemen:

There is herewith enclosed a copy of the decision of the Commission to the Five Civilized Tribes in the matter of the application of Anson Moroy for enrollment as a citizen of the Creek Nation.

The decision, with a copy of the proceedings had in the case, is this day transmitted to the Secretary of the Interior for review and decision. The final decision of the Secretary will be made known to you as soon as the Commission is informed of the same.

Yours truly,

T. B. Needles.

Commissioner in Charge.

1 enclosure.  
McK & R. (10)  
Registered.



(6093)

Refer in reply to the  
following: 1200  
4003-1902.

DEPARTMENT OF THE INTERIOR  
Office of Indian Affairs

Washington January 29, 1902.

The Honorable

The Secretary of the Interior.

Sir:

There is inclosed herewith a report dated January 16, 1902, by T. B. Needles, Esq., Commissioner in charge of the work of the Dawes Commission, transmitting for the Department's consideration the record relative to the application of Anson Morey for enrollment as a citizen of the Creek Nation.

May 11, 1901, the Commission rendered the following decision in this case, to wit:

"It appears from the record in this case that on April 12, 1900, Anson Morey appeared before this Commission at Muskogee, Indian Territory and made application for enrollment as a citizen of the Creek Nation, claiming to have been admitted to citizenship in the Creek Nation by the Dawes Commission in accordance with the provisions of the act of Congress of June 10, 1896 (29 Stat., 381), under the name of Susan Morey.

"It also appears that Callie D. Morey made application to this Commission in 1896 for the enrollment of herself and her minor children and for her son, Anson Morey, the applicant in this case, as citizens of the Creek Nation. That the docket entry of the

Commission made at that time gave the name of Susan Morey. That the said Callie D. Morey and her minor children were admitted to citizenship in the Creek Nation by this Commission upon the application filed by her in accordance with the provisions of the act of June 10, 1896 (supra), and that no appeal was taken from the decision of this Commission. Upon examination of the original application made in 1896 and the affidavits in support thereof on file in the office of this Commission, it appears that the name entered upon the docket as 'Susan' was in reality 'Anson.' That the entry of the name of Susan Morey upon the citizenship docket of the Commission in 1896 was in fact a clerical error.

"It is therefore the opinion of the Commission that Anson Morey has been lawfully admitted to citizenship in the Creek Nation and that he should be enrolled as a citizen thereof and it is so ordered."

From the record in this case and from the decision of the Commission it appears that Anson Morey was enrolled by the Commission in 1896 in accordance with the provisions of the act of June 10, 1896, under the name Susan Morey; that this was an error, and that the application was in reality for the purpose of correcting this error.

This office agrees with the decision of the Commission and respectfully recommends that same be approved.

Very respectfully,

Your obedient servant,

W. A. JONES,

Commissioner.

GAW  
D

I enclosures.

(COPY)

23745

L.R.S.

P.

DEPARTMENT OF THE INTERIOR.

WASHINGTON.

I.T.D. 630-1902.

April 21, 1902.

Commission to the Five Civilized Tribes,  
Muskogean, I. T.

Gentlemen:

January 29, 1902, the Commissioner of Indian Affairs transmitted the record in the matter of the application of Callie D. Morey for the enrollment of her minor child, Anson Morey, as a citizen of the Creek Nation, and concurred in your decision in favor of the applicant.

It appears from your decision that Callie D. Morey made application to you in 1896 for the enrollment of herself and her children as citizens of the Creek Nation; that the docket entry of the Commission made at that time gives the name of Susan Morey; that the said Callie D. Morey and her minor child were admitted to citizenship by your Commission upon the application presented, in accordance with the act of June 10, 1896 (29 Stat., 321), and that no appeal was taken from your decision.

You state that upon an examination of the "original application made in 1896 and the affidavits in support thereof, on file in the office of the Commission, it appears that the name upon the docket as 'Susan' was in reality 'Anson'"; that the entry

of the name of Susan Morey upon the citizenship docket in 1896 was a clerical error.

An argument has been filed by the attorneys for the Creek Nation, in which they do not mention the action of your Commission in 1896, but contend that the applicant should not be enrolled because his name is not on "the tribal roll of 1890 of said nation, or on any other authenticated roll thereof."

As it appears that the party was admitted to citizenship by your Commission in accordance with the act of 1896, under the name of Susan Morey, you are authorized to place his name upon the Creek roll being prepared by you. Your decision is affirmed. A copy of the Acting Commissioner's letter is inclosed.

Respectfully,

THOS. RYAN.  
Acting Secretary.

KMD.

1 inclosure.

COMMISSIONERS  
HENRY L. DAWES.  
TAMM BIXBY.  
THOMAS B. NEEDLES.  
C. E. BRACKINRIDGE.

ALLISON L. AYLESWORTH.  
SECRETARY

DEPARTMENT OF THE INTERIOR.  
COMMISSION TO THE FIVE CIVILIZED TRIBES.

REFER IN REPLY TO THE FOLLOWING

ADDRESS ONLY THE  
COMMISSION TO THE FIVE CIVILIZED TRIBES

Muskogee, Ind. Ter., May 1, 1902.

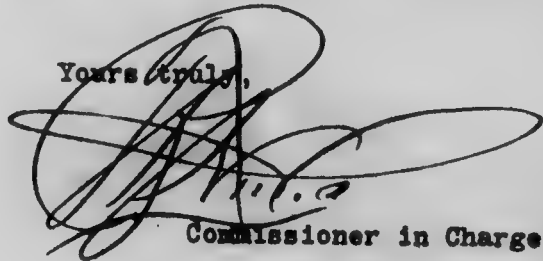
Anson Morey,

Watsonville, Ind. Ter.

Dear Sir:

You are hereby advised that the Secretary of the Interior, under date of April 21, 1902, affirmed the decision of the Commission, dated May 11, 1901, enrolling yourself as a citizen of the Creek Nation.

Yours truly,



Commissioner in Charge.

Creek-52.

OCH.



Muskogee, Ind. Ter., May 1, 1902.

E. James, Esq.,

Attorney for Anson Wiley,

Muskogee, Ind. Ter.

Dear Sir:

You are hereby advised that the Secretary of the Interior, under date of April 21, 1902, affirmed the decision of the Commission, dated May 12, 1901, enrolling Anson Wiley as a citizen of the Creek Nation.

Yours truly,

T. R. MILLER,

Commissioner in Charge.

Creek Nat.

QCH.

(1000)

Muskogee, Ind. Ter., May 1, 1902.

A. P. McKelley, Esq.,

H. G. Reed, Esq.,

Attorneys for the Creek Nation,

Muskogee, Indian Territory.

Gentlemen:

You are hereby advised that the Secretary of the Interior, under date of April 31, 1902, affirmed the decision of the Commission, dated May 11, 1901, annulling ANSON WARD as a citizen of the Creek Nation.

Yours truly,

T. D. HICKS,

Commissioner in Charge.

Creek-52.

OCH.



COMMISSIONERS

HENRY L. DAWES,  
TAMM BIXBY,  
THOMAS B. NEEDLES,  
C. R. BRECKINRIDGE.

ALLISON L. AYLESWORTH,  
SECRETARY.

DEPARTMENT OF THE INTERIOR,

COMMISSION TO THE FIVE CIVILIZED TRIBES.

ADDRESS ONLY THE  
COMMISSION TO THE FIVE CIVILIZED TRIBES

Muskogee, Indian Territory, FEB 1 1902, 1902.

Received on this date from the Commission to the Five Civilized Tribes a copy of the record of proceedings in the matter of the application of Anson Morey as a citizen of the Creek Nation.

*A. M. Kececk*

Attorney for Creek Nation.

Creek No. 52.

CR EN 53

CR EN 53

DEPARTMENT OF THE INTERIOR.  
COMMISSION TO THE FIVE CIVILIZED TRIBES.  
MUSKOGEE LAND OFFICE, APRIL 21, 1900.

In the matter of the application of William J. Berry for enrollment for himself and family as Creek citizens.

William J. Berry, being first duly sworn by Commissioner McKennon, testifies as follows:

Q What is your name? A William J. Berry.

Q What is your age? A Forty two.

Q Where are you living now? A I live at Stroud, Oklahoma.

Q How long have you been living there? A About a year.

Q Where did you live before that? A I removed from the Creek country into Oklahoma over two years ago.

Q How long had you been living in the Creek country? A Nearly two years.

Q Where had you lived prior to that? A I came from Tennessee to Oklahoma.

Q Were you born and raised in Tennessee? A Yes sir.

Q How long have you lived in Oklahoma? A I lived in Oklahoma about six years. I stopped in Oklahoma a little over a year before I came to the Creek country.

Q Did you ever make application for citizenship in the Creek tribe? A No sir.

Q What degree of blood do you claim? A Why the claim that I am making to establish represents me as the grand son of Sarah Weatherford who was a daughter of one Red Eagle, or William Weatherford, who was an Indian Chief. I don't really know what degree of blood that would make me.

Q Where did he live? A In Alabama.

- Q What tribe did he belong to? A The Creek.
- Q How do you know that that is a fact? Do you know that he is related to you? A Why I can only know it as an individual knows anything that he has been taught ~~in~~ and always understood.
- Q Were you ever enrolled as a Creek citizen? A I never have had an opportunity, that is, I never had made an application.
- Q You were never enrolled? A No sir.
- Q Were your father and mother ever enrolled as Creek citizens? A No sir.
- Q Have you got a wife? A Yes sir.
- Q What is her name? A Her name is Ludora Berry.
- Q How old is she? A She is in her forty first year.
- Q Is she a white woman? A Yes sir.
- Q Have you children? A We have five living.
- Q What is the oldest's name? A Joseph C. Berry.
- Q How old is he? A He will be twenty in December.
- Q What is the next one? Willie New Berry. He is twelve.
- Q What is the next one? A Margaret Leater.
- Q How old is she? A She is eight past.
- What next? Lucile and Lewis Berry are twins, born in the Creek Nation in 1895.
- Q They are five years old? A Will be in August.
- Q Your wife and family are living with you at Stroud, Oklahoma?
- A Yes sir.
- Q Have you any papers you want to file? A Yes sir.

Files a letter from D. M. Downing, Commissioner of Indian Affairs, February 18, 1895. A petition for citizenship and six affidavits.  
(Apparently white.)

Commissioner McKennon: The application is denied because you are residents of Oklahoma, have never been enrolled as Creek citizen, or been admitted by the Creek authorities or the Dawes Commission or the United States Court.

(COPY)

Department of the Interior.  
Commission to the Five Civilized Tribes.  
Muskogee Land Office, April 21, 1900.

In the matter of the application of William  
J. Berry for enrollment for himself and family,  
as Creek citizens.

Application denied because they are residents of Oklahoma and have never been admitted by the tribal authorities of the Creek Nation, the Dawes Commission, or the United States Courts as Creeks.

A. S. McKemmon,

Commissioner.

(COPY)

Refer in reply to the following:

C.F.T.  
W.G.

Land  
7069-1895.

Department of the Interior,  
Office of Indian Affairs.

Washington, Feb. 19th, 1895.

W.J.Berry, Esq.,

Dale,

Oklahoma.

Sir:

In reply to your letter of February 9, 1895, I have to advise you that the name of Charles Weatherford appears on the "Census of the principal Chiefs and heads of families of the Creek tribe of Indians, taken by virtue of the Second Article of the treaty concluded with that tribe at the City of Washington, March 24, 1832", (7 Stats., 366), as the head of a family of two males and one female and eleven slaves, none of the names of other members of the family are given.

He belonged to "Autauga Town", but his place of residence is not otherwise given.

Very respectfully,

D. M. Browning,  
Commissioner.

(Murchison)

L.

(COPY)

Phillipsburg,  
Creek Nation, I. T.  
August 26, 1898.

To Honorable,  
Tams Bixby, Chairman Acting, and A.C. McKennon, T. B.  
Needles, Commissioners.

Gentlemen: I hereby make application to your honorable commission for enrollment to citizenship in the Creek tribe or nation of Indians, pursuant to law upon the following grounds to wit:- 1st: That I am of the Creek Indian blood within the third generation of the maternal side. That I am the legitimate son of Joseph G. Berry, who was the son of William Berry and Sarah Berry, that Sarah Berry was the daughter of William Weatherford, a Creek Indian. 2nd: That my full name is William J. Berry, and that I am in my forty-first year; That I am married to, and the husband of, Lou Dora Berry. That the names and ages of my children, now living, are to wit: Joseph G. Berry, aged 18 years, Willie L. Berry, aged ten years, Lesta Berry, aged seven (7) years, Louis Berry, aged three (3) years, and Loucile Berry, aged three (3) years. (Twins last two named.)

3rd: I further show, That I have, heretofore, in good faith settled on lands in the Creek Nation on Little Deep Fork Creek ten miles west of Phillipsburg, said Creek Nation, Indian Territory, when I opened out a farm and built a residence thereon, and in which nation I intended then, and still, intend to make my permanent home, provided; I am placed on the roll of citizenship of Creek Indians by blood. That Louis Berry and Lucile Berry were born there.

Your applicant, therefore, ever prays that he may, together with his wife and children, herein named, be admitted to citizenship in the Creek Indian Tribe or nation of Indians; and they may be placed on the rolls, as corrected and approved, as citizens by blood of said Creek Indians, with the same rights, privileges and immunities as any other members of said Creek Indian nation or tribe.

William J. Berry.

Territory of Oklahoma )  
County of Pottawatomie ) SS

William J. Berry being first sworn says: that he is the identical person who made and signed the above and foregoing application for enrollment to, and citizenship of, the Creek Indian Tribe or Nation; and that he has read the above and knows that is therein contained; and that I am of Creek Indian blood through my grandmother, Sarah Berry, nee Sarah Weatherford, as I am informed and verily believe, and that the matters and things therein set out are true in substance and in fact, except as herein stated. Affidavits are filed hereunto and part hereof marked Exhibit "A".

William J. Berry.

Subscribed and sworn to before me this August 26, A.D. 1898.

B. O. Shear

Clerk District Court third  
Judicial District, Okla. Ter.  
in and for Pottawatomie County,  
said Territory.

(SEAL)

By C. A. Stanlar, Deputy.

(Endorsed) Application of William J. Berry for Citizenship in  
Creek Nation of Indians.



(COPY)

Tecumseh, Okla, Ter.

To Whom it May Concern:-

I Thos. J. Huckaba of said town of Tecumseh Okla. Ter. do hereby certify that I am well and personally acquainted with William J. Berry the applicant for citizenship in the Creek Nation. Also I am well acquainted with Alexander Lutts, and James E. Berry who have testified in his behalf. I know them all to be honorable gentlemen whose reputation for truth & Veracity is good.

I have known applicant William J. Berry & Witucpes Lutts & Berry for Thirty (30) years. Said William J. Berry is a son of Joseph G. Berry Decd. who was a son of Sarah Berry formerly Sarah Wetherford.

Said William J. Berry is the father of the following legitimate children "To wit"

Joseph C. aged 19. Willie Lu aged 11; Lester M. aged 8 Louis M. aged 4 and Loucill aged 4 years.

I visited with the said William J. Berry at his home in the Creek Nation four years ago and know it to be a fact that He made settlement in said Creek Nation some five or six years ago & know that he made extensive & valuable improvements upon the lands so settled upon Such as building houses, fences & Breaking &C.

I am 49 years old & it has been my understanding from early boyhood that Sarah Berry formerly Sarah Wetherford (the Grand-Mother of applicant was a daughter of Wm. Wetherford who, was a Chief of the Creek Indians.

Witness My Signature date above written.

Thos. J. Huckaba.

Subscribed and sworn to before me this 17th day of April, 1900.

(SEAL)

Geo. M. Southgate,  
Co. Clerk.

(COPY)

I, G. A. Stauber, Deputy Clerk of the District Court, of Pottawatomie County, Okla. Ter. say that I am acquainted with T.J. Huckaba, and know him to be an honorable gentleman and a man whose statement is entitled to full credit in any court.

Witness my hand and seal this 17th day of April, 1900.

G. A. Stauber  
Deputy Clerk Dist. Court.

(SEAL)

(COPY)

Territory of Oklahoma ) SS  
County of Pottawatomie )

James E. Berry of lawful age being first duly sworn deposes and says: That my name is James E. Berry, and that at the age of sixty (60) years; that William J. Berry and Lou Dora Berry, his wife, and their children, to wit: Joseph G. Berry, aged 18 years, Willie L. Berry, aged ten years, Lester Berry, aged seven years, Louis Berry, aged three years, and Loucile Berry, aged three years, I well know; and have known the said William J. Berry for about forty years. I further depose and say that I know the father of the said Wm. J. Berry, whose name is Joseph G. Berry, and I know the mother of the said William J. Berry whose name is Jane Berry. I further state that I knew the father of the said Joseph G. Berry whose name was William Berry; also, I knew the mother of the said Joseph G. Berry whose maiden name was Sarah Weatherford who was of Creek Indian blood. That the father of the said Sarah Berry, nee Sarah Weatherford, was William Weatherford, a Creek Indian. That the said Sarah Berry, nee Weatherford, was a sister to Rebecca Weatherford, Visa Weatherford, William Weatherford and others, who were of Creek Indian Blood.

I further state that the said Joseph G. Berry was a brother to affiant herein and that I make this affidavit from several years acquaintances and with many of the parties herein named and from personal knowledge. And further affiant saith not.

James E. Berry.

Territory of Oklahoma ) SS  
County of Pottawatomie )

Personally appeared before me, James E. Berry who is known to me to be the identical person whose name is hereto subscribed, and subscribed the same in my presence of his own free will and accord.

Witness my hand seal, this 26, day of August, A.D. 1888.

B. D. Shear.

Clerk District Court,  
3rd Dist. of Ok. Ter. in and  
for Pottawatomie Co. said Ter.

(SEAL)

By C. A. Stauber, Deputy.

(COPY)

Territory of Oklahoma.) ss  
County of Pottawatomie)

I William H. Brown of said town and county and territory hereby certify to the following facts- I formerly resided in Wayne County Tennessee. I was acquainted with and knew the following named persons: Lindsey Lutts whose wife was Jane Weatherford - her sister Caroline Weatherford who were neices of Sarah Weatherford and said Sarah Weatherford who married Wm. Berry was a daughter of William Weatherford. All were of Indian blood. I am also acquainted with Wm. J. Berry a grandson of Sarah Berry nee Weatherford. And also know James M. Lutts a son of Jane Lutts nee Weatherford. I have known said W.J.Berry and James M. Lutts since they were infants. My age is seventy eight years.

Wm. H. Brown.

Subscribed and sworn to before me this 19th day of April,  
1900.

Geo. M. Southgate  
County Clerk of  
Pottawatomie County Oklahoma Territory.

(SEAL)

(COPY)

State of Tennessee     )  
Wayne County            )

Personally came before me, John D. Stricklin, a Notary Public in and for said County. Alexander Lutts a resident of said county and state whose P.O. address is Lutts, Tennessee, and makes oath to the following (viz) I Alexander Lutts make oath that my age is 70 years old, and that I know and was well acquainted with Visa Weatherford & Rebecca Weatherford and Sarah Weatherford from 1849 until their death they were all sisters ( and daughters of William Weatherford who was an Indian.) and that Sarah Weatherford married William Berry they was married when I became acquainted with them and I further state that Joseph G. Berry was the son of William and Sarah Berry and that W. J. Berry is the son of Joseph G. Berry who was the grand son of William Weatherford, and W. J. Berry is the grand son of Sarah Berry (nee Weatherford) I make this statement from several years acquaintance and personal knowledge.

Alexander Lutts

, Sworn to and subscribed before me this the 6th day of August, 1898.

J . D. Stricklin, Notary Public.

(Seal)

(COPY)

Fishertown, Creek Nation, I. T.

I William Fisher a citizen of the Creek Nation do hereby certify to the following facts- I am seventy one years of age. I came into this country from Alabama in the A.D. 1847. I have always been a member of the Creek tribe and am therefore a Creek indian by blood and citizenship. I know the the following named persons were always recognized as Creek indians and were Creek indians by blood to wit: Charles Weatherford, Alex Weatherford, William Weatherford, Caroline Weatherford and Visa Weatherford. They were as well as I remember all brothers and sisters and sons and daughters of Old Red Eagle or William Weatherford. The said Alex Weatherford was the grandfather of Mrs. Leona Starks who I understand was recently admitted to citizenship and who is in fact a Creek indian by blood.

Wm. Fisher.

Sworn to and subscribed to before me this 20th day of April, 1900.

R. H. Searcy,  
Notary Public.

(SEAL)

(COPY)

to  
To all, whom these presents may come. Know ye that I Ward  
Coachman do make the following statement-

I was personally acquainted with the following named persons.  
Charles, Alex, Visa and William Weatherford who were the children  
of Weatherford a Creek Indian who lived in Alabama and that they  
were members of the Creek tribe. These were all of the Wetherford  
family I knew. Charles, Alex and Visa being full brothers and  
sisters and William of a different mother they belonged as near as I  
can remember to the Hickory Ground Tulsa or Tuskegee Towns I left  
Alabama about 43 years ago and they were living there when I left.  
I am about 74 years old a citizen of the Muscogee or Creek Nation  
and a member of the Alabama Town.

Ward Coachman

Sworn to and subscribed to before me this 9th day of July,  
1896.

Wetumka, I. T.

J. R. Dunzy

(Dunzy)  
Notary Public.

(Seal)



DEPARTMENT OF THE INTERIOR  
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application of William J. Berry for the enrollment of himself and his five minor children, Joseph G. Berry, Willie New Berry, Margaret Lester Berry, Lucile Berry and Lewis Berry as citizens of the Creek Nation.

D E C I S I O N .

It appears from the record in this case that on April 21, 1900, William J. Berry appeared before this Commission at Muskogee, Indian Territory and made application for the enrollment of himself and his five minor children, Joseph G. Berry, Willie New Berry, Margaret Lester Berry, Lucile Berry and Lewis Berry as citizens of the Creek Nation.

It also appears that the said William J. Berry and his said five minor children have never been recognized as citizens of the Creek Nation nor duly and lawfully enrolled or admitted as such and that they are residents of the territory of Oklahoma.

The act of Congress approved June 28, 1898, (30 Stat. 495) provides:

"No person shall be enrolled who has not heretofore removed to and in good faith settled in the nation in which he claims citizenship. Provided, however, That nothing contained in this act shall be so construed as to militate against any rights or privileges which the Mississippi Choctaws may have under the laws of or the treaties with the United States."

It is therefore the opinion of this Commission that the application of William J. Berry for the enrollment of himself and his five minor children, Joseph G. Berry, Willie New Berry, Margaret Lester Berry, Lucile Berry and Lewis Berry as citizens of the Creek Nation should be denied and it is so ordered.

The Commission to the Five Civilized Tribes.

Dated at Okmulgee, Indian Territory,  
this the 14th day of May, 1901.

  
Acting Chairman.

  
Commissioner.

  
Commissioner.

(COPY)

Lawrence, Indian Territory, January 16, 1902.

The Honorable,

The Secretary of the Interior.

Sir:

There is herewith transmitted the record of proceedings in the matter of the application of William J. Berry for the enrollment of himself and children, Joseph O., Willie New, Margaret Lester, Lucile and Lawie Berry, as citizens of the Creek Nation, including the decision of the Commission, dated May 14, 1901, denying said application.

Respectfully,

T. B. Needles.

Commissioner in charge.

1 enclosure  
Creek 53.

Through the Commissioner  
of Indian Affairs.

(COPY)

Muskogee, Indian Territory, January 18, 1908.

William J. Berry,  
Strom, Oklahoma.

Dear Sir:

There is herewith enclosed a copy of the decision of the Commission to the Five Civilized Tribes in the matter of the application made by you for the enrollment of yourself and children, Joseph G. Berry, Willie New Berry, Margaret Lester Berry, Lucile Berry and Lewis Berry, as citizens of the Creek Nation.

The decision, with a copy of the proceedings had in the case, is this day transmitted to the Secretary of the Interior for his review and decision. The final decision of the Secretary will be made known to you as soon as the Commission is informed of the same.

Yours truly,

T. B. Needles.

Commissioner in charge.

1 enclosure WJB-33.  
Registered.

(COPY)

Muskogee, Indian Territory, January 19, 1908.

A. P. McElroy, Esq.,

H. C. Reed, Esq.,

Attorneys for Creek Nation,

Muskogee, Indian Territory.

Gentlemen:

There is herewith enclosed a copy of the decision of the Commission to the Five Civilized Tribes in the matter of the application for the enrollment of William J. Berry and his children, Joseph B., Willie E., Margaret Lester, Lucile, and Lewis Berry, as citizens of the Creek Nation.

The decision, with a copy of the proceedings had in the case, is this day transmitted to the Secretary of the Interior for his review and decision. The final decision of the Secretary will be made known to you as soon as the Commission is informed of the same.

Yours truly,

T. B. Needles.

Commissioner in charge.

1 enclosure MAR 55.  
Registered.

(COPY)

Refer in reply to the following:

Land.  
4005-1902.

Department of the Interior,  
Office of Indian Affairs,  
Washington, January 30, 1902.

The Honorable

The Secretary of the Interior.

Sir:

There is inclosed herewith a report dated January 16, 1902, from T. B. Needles, Esq., Commissioner in charge of the work of the Dawes Commission, transmitting for the Department's consideration the record in the matter of the application of William J. Berry for the enrollment of himself and his five minor children, Joseph C., Willie New, Margaret Lester, Lucile and Lewis Berry, as citizens of the Creek Nation.

The Commission rendered its decision in this case on May 14, 1901, as follows:

"It appears from the record in this case that on April 21, 1900, William J. Berry appeared before this Commission at Muskogee, Indian Territory and made application for the enrollment of himself and his five minor children, Joseph C. Berry, Willie New Berry, Margaret Lester Berry, Lucile Berry and Lewis Berry as citizens of the Creek Nation.

"It also appears that the said William J. Berry and his  
• "said five minor children have never been recognized as citizens of the Creek Nation nor duly and lawfully enrolled or admitted as such and that they are residents of the territory of Oklahoma.

"The act of Congress approved June 28, 1898, (30 Stats.

"495) provides:

"No person shall be enrolled who has not heretofore removed to and in good faith settled in the nation in which he claims citizenship. Provided, however, That nothing contained in this act shall be so construed as to militate against any rights or privileges which the Mississippi Choctaws may have under the laws of or the treaties with the United States."

"It is therefore the opinion of this Commission that the application of William J. Berry for the enrollment of himself and his five minor children, Joseph C. Berry, Willie New Berry, Margaret Lester Berry, Lucile Berry and Lewis Berry as citizens of the Creek Nation should be denied and it is so ordered."

As above quoted by the Commission in its decision, section 21 of the act of June 28, 1898, declares that "no person shall be enrolled who has not heretofore removed to and in good faith settled in the nation in which he claims citizenship" except Mississippi Choctaws. The record in this case shows that William J. Berry and his minor children were not, at the date of the passage of said act, residents of the Indian Territory, but that they were residents of Oklahoma Territory. This being true, it appears to the office that the decision of the Commission is correct, and it is therefore respectfully recommended that same be approved.

Very respectfully,

Your obedient servant,

W. A. Jones,

Commissioner.

GAW  
D

3 incls.



(COPY)

D.O.No.1856-1902.  
L. R. S.

7751.

F.

Department of the Interior.  
Washington.

I.T.D. 650-1902.

February 1, 1902.

Commission to the Five Civilized Tribes,

Muskogee, I. T.

Gentlemen:

January 30, 1902, the Commissioner of Indian Affairs transmitted the papers in the matter of the application for enrollment of William J. Berry and his minor children, Joseph C., Willie New, Margaret Lester, Lucile and Lewis Berry as citizens of the Creek Nation, and recommended that your decision in the case be approved.

On May 14, 1901, you denied said application because not one of the applicants had ever been recognized or enrolled as a citizen of said nation, and for the further reason that they are not residents thereof, but have lived in Oklahoma Territory.

The Department affirms your decision, and you will advise the applicants accordingly. A copy of the Commissioner's letter is inclosed herewith.

Respectfully,

Thos. Ryan  
Acting Secretary.  
EMD.

1 inclosure.



COMMISSIONERS.  
HENRY L. DAWES.  
TAMM SIXBY.  
THOMAS B. NEEDLES.  
C. R. BRECKINRIDGE.

ALLISON L. AYLESWORTH.  
SECRETARY.

DEPARTMENT OF THE INTERIOR.  
COMMISSION TO THE FIVE CIVILIZED TRIBES.

(COPY)

ADDRESS ONLY THE  
COMMISSION TO THE FIVE CIVILIZED TRIBES

Muskogee, Indian Territory, February 11, 1902.

William J. Berry,

Stroud, Oklahoma.

Dear Sir:

You are hereby advised that the Secretary of the Interior, under date of February 1, 1902, affirmed the decision of the Commission, dated May 14, 1901, denying the application made by you for the enrollment of yourself and children, Joseph G., Willie Now, Margaret Lester, Lucile and Lewis Berry, as citizens of the Creek Nation.

Yours truly,

T.B.Needles.

Commissioner in charge.

COMMISSIONERS.

HENRY L. DAWES.  
TAMM SIXBY.  
THOMAS B. NEEDLES.  
C. R. BRECKINRIDGE.

ALLISON L. AYLESWORTH.  
SECRETARY.

DEPARTMENT OF THE INTERIOR.  
COMMISSION TO THE FIVE CIVILIZED TRIBES.

(COPY)

ADDRESS ONLY THE  
COMMISSION TO THE FIVE CIVILIZED TRIBES

Muskogee, Indian Territory, February 11, 1902.

A. P. McKellop, Esq.,

H. C. Reed, Esq.,

Attorneys for Creek Nation,

Muskogee, Indian Territory.

Gentlemen:

You are hereby advised that the Secretary of the Interior, under date of February 1, 1902, affirmed the decision of the Commission, dated May 14, 1901, denying the application made by William J. Berry for the enrollment of himself and minor children, Joseph C., Willie New, Margaret Lester, Lucile and Lewis Berry, as citizens of the Creek Nation.

Yours truly,

T.B.Needles.

Commissioner in charge.

CR EN 54

CR EN 54

(Copy.)

DEPARTMENT OF THE INTERIOR,  
COMMISSION TO THE FIVE CIVILIZED TRIBES,  
MUSKOGEE, I.T., FEBRUARY 11th, 1901.

In the matter of the application of Conny Murphy for the enrollment of his wife, Sarah R. Murphy, as a citizen of the Cherokee Nation; said Murphy being sworn and examined by Commissioner Breckinridge, testified as follows:

Q Give me your full name? A Conny Murphy.  
Q How old are you? A Thirty-nine in March.  
Q What is your post office? A Cheska.  
Q In what district do you live? A I live in this district.  
Q You are living in the Creek Nation? A Yes, sir.  
Q Who is it you want to have enrolled, just your wife? A My wife.  
Q Is your wife a Cherokee by blood? A Yes, sir.  
Q What is her name? A Sarah R. Murphy.  
Q How old is she? A Thirty-seven years old.  
Q She is a Cherokee by blood is she? A Yes, sir, full blood.  
Q Has she lived in the Cherokee Nation all her life? A In the Creek Nation all her life.  
Q Is her mother a Cherokee? A Yes, sir.  
Q What is the name of her father? A Martin Buzzardflopper.  
Q He is a full blood Cherokee? A Yes, sir.  
Q Is he dead? A Yes, sir.  
Q Give me the name of your wife's mother? A She knows but I do not.  
Q Is her mother dead? A Yes, sir.  
Q When were you and your wife married? A 1882, March 5th.  
Q Have you a certificate of marriage? A No, sir, it got burned up.  
Q Is there anyone here that knows that you and she were married?  
A No, sir, my brother was a witness and he lives in Missouri.  
Q Is there any one here acquainted with you? A Her brother is here.

W. H. MARTIN, being sworn and examined by Commissioner Breckinridge, testified as follows:

Q Give your full name there? A W. H. Martin.  
Q What is your age? A 30.  
Q What is your post office? A Muskogee is my post office.  
Q Do you know the applicant here, Mr. Murphy? A Yes, sir.  
Q Is his wife a sister of yours? A Yes, sir.  
Q When were they married? A I do not know exactly when they were married.  
Q Been married a good long time have they? A Yes, sir.  
Q What is the name of your father? A Martin Buzzardflopper.  
Q What is your sister's given name? A Sarah.  
Q Have they been living together ever since they were married, Mr. Murphy and your sister? A Yes, sir.  
Q How long has your father been dead? A My father has been dead ~~some~~ I was seven years old.  
Q How long has your mother been dead? A She has been dead twenty-eight years, I was very small myself.  
Q Now, who brought you children up? A Mackelmeel, Peter Mackelmeel.  
Q Give me the name of his wife? A Betsy Mackelmeel.  
Q Are they Cherokees? A His wife is a Cherokee.  
Q And what is he? A He is a white man.  
Q Are they still living, both of them? A Yes, sir.  
Q Where do they live? A In Canadian district.  
Q Did your sister live with them until she married Mr. Murphy? A They were living in Muskogee here during the time he married her,

Cenny Murphy--2.

Q She was broughtup in the Canadian district by Mackelmeel?  
A They lived until in 1882 until they moved out into the Cherokee Nation; they have been living in the Cherokee Nation since 1882.

THE APPLICANT, Conny Murphy, re-called, testified as follows:

Q What is your business, Mr. Murphy? A Farmer.

W. H. MARTIN, re-called, testified as follows:

Q Mr. Martin, have you any brothers and sisters besides this sister? A I had a half brother and sister but my half sister is dead?

Q Who is Nannie Buzzardflopper on the roll of 1880? A I don't know; it could have been my half sister.

Q Is she dead? A Yes, sir.

Q Is she older than you? A Yes, sir.

Q It could have been that half sister who died a long time ago?

A Yes, sir.

Q Did you and she have the same father or same mother? A Same father.

Q William is yourself? A Yes, sir.

Q Who is George? A George is my half brother.

Q Who is Jennie? A That is my half sister.

Q How much older was your sister Nannie than you? A I could not tell you I was too small to remember.

Q She was some older? A Yes, sir.

Q Are there any children between you and her, or did you come next to her? A I do not know anything about them children at all except George and Jim and Jennie is all I remember of.

Q Now why is not your Sister, Sarah on that roll? A I could not tell you.

Q She is your full sister? A Yes, sir.

Q Where were you living in 1880? when you were enrolled? were you living here at Muskogee? A I was living here at Muskogee.

Q And where was your sister living in 1880? A Here in Muskogee.

Q ~~Was~~ With Mr. McElmeel? A Yes, sir.

Q And she may have been left off the roll in that way? A She might have been; I don't know.

1880 Authenticated roll of citizens of the Cherokee Nation examined and witness' name found on page 7, #185 as Willie Buzzard Flopper, in Canadian district.

Q That you think is your enrollment in 1880? A Yes, sir.

Q You have a child living with Mr. McElmeel now, haven't you?

A Yes, sir.

Q Now in this half sister you are talking about, did she die before 1880? A I don't recollect her at all.

Q She likely died before 1880 because you were nine years old then? (No response)

CONNY MURPHY, the applicant, re-called, testified as follows:

Q Mr. Murphy do you know the name of this half sister that Mr. Martin is speaking about? A Yes, sir.

Q What is her name? A Her given name is Nellie

Q Was she living in 1880? A Yes, sir.

Q Was she married? A Yes, sir.

Q What was her name then in 1880, Nellie Owen? A Yes, sir.

Q Was her husband named Lewis Owen? A He may have been named Lewis but he went by another name.

Conny Murphy--3.

Authenticated roll of 1880 of citizens of the Cherokee Nation examined and the name of Nellie Owen is found thereon as follows: (1880 roll/ page 38, #1058, Nellie Owens, Canadian district.)

W. H. MARTIN, re-called, testified as follows:

Q Your half sister who is dead was very much older than you?  
A Yes, sir.

Tribal rolls of the Cherokee Nation examined and applicant's wife for whom he applies is identified thereon as follows:

1880 Authenticated roll, page 7, #184, Nannie Buzzard Flopper, Canadian District.

1896 Census roll page, 54, #1487, Sarah Murphey, Canadian District. "Now in the Creek Nation living with her family of Creek Citizens."

CONNY MURPHY, the applicant, re-called, testified as follows:

Q Now, you and your wife have children? A Yes, sir.  
Q You propose to enroll these children as Creeks do you?  
A Yes, sir.  
Q How many children have you? A Nine.  
Q Give me the names of these children? A Lottie.  
Q How old is that child? A She is 18.  
Q The next child? A Conny.  
Q How old is that child? A She is about 16.  
Q The next child? A Mattie.  
Q How old is she? A About 14.  
Q The next child? A Robert.  
Q How old is he? A About 12/  
Q The next child? A Augustus.  
Q How old is he? A Ten.  
Q The next child? A Sallie.  
Q How old is that child? A Eight.  
Q The next child? A Eliza Jane.  
Q How old is that child? A Five or six, six I guess.  
Q The next child? A Richard Lewis.  
Q How old is he? A Four.  
Q The next child? A Catherine, a year and a half.  
Q Next child? A That is all.  
Q These children are all living now are they? A Yes, sir.  
Q were these children enrolled in 1896? You have never had these children enrolled as Cherokees? A Some of them were enrolled but they were scratched off.  
Q Have you had these children enrolled as Creeks? A Yes, sir.  
Q You claim to be a Creek citizen? A Yes, sir.  
Q You say some of these children were enrolled as Cherokees and then scratched off? A They was not allowed to be enrolled.  
Q The enrollment was not allowed to stand? A No, sir.  
Q Did you draw Cherokee strip money for any of these children? A No, sir; I drew my wife's money.  
Q That was all? A Yes, sir.

Com'r Breckinridge:--The applicant applies for the enrollment of his wife, whom he states is a full blood Cherokee: She is identified on the rolls of 1880 and 1896 as a native Cherokee, under some variations of name, but they are explained in a satisfactory manner in the testimony. Her change of name arising from marriage is established by the testimony of the applicant and of his wife's

Conny Murphy,--4.

brother. It appears that they were married in 1882 and that since that time they have lived exclusively in the Creek Nation. They had nine children and the applicant claims to be a Creek citizen. (Q You have enrolled as a Creek have you? A Yes, sir.) He states that he and all of his children have been enrolled as Creek citizens. For the further consideration of the provisions of the Curtis Bill relating to the status herein indicated, this application will be taken under advisement, it not being desired at this moment to pass judgment upon the question whether the applicant's wife should be enrolled as a Creek or Cherokee. She will be listed for enrollment as a Cherokee by blood, but upon a doubtful card for the purpose stated, and the final decision will be made known to the applicant at his post office address.

SUPPLEMENTAL to the above application: Conny Murphy, the Applicant, further testified:

Q Which enrollment would your wife prefer if she can take either?  
A The Creek.

Q Did you apply for her as a Creek? A No, sir.

Q You never attested her right for Creek enrollment? A I just waited the decision of the Commission.

Q You just applied for yourself and children as Creeks? A Yes, sir.

---oooOO\_oo---

J. O. Rosson, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes, he correctly recorded the testimony and proceedings in this case, and that the foregoing is a true and complete transcript of his stenographic notes thereof.

(Signed) J. O. Rosson.

Subscribed and sworn to before me this 12th day of February, 1901.

(Signed) C. R. Breckinridge,  
Commissioner.



(A)

Sarah R. Murphy, wife of Tommy  
Murphy, Creek citizen, was  
listed for enrollment as a  
citizen by blood of the Chero-  
kee Nation, February 11th, 1901,  
and her name placed on Cherokee  
Card D1087.

COMMISSIONERS:  
HARRY L. DAWES,  
TAMM BIXBY,  
THOMAS B. RIDDLE,  
C. R. BANCROFT.

ALLISON L. AYLSWORTH,  
SECRETARY.

DEPARTMENT OF THE INTERIOR,

COMMISSION TO THE FIVE CIVILIZED TRIBES.

Muskogee, Indian Territory, February 18, 1901.

Chief Clerk Muskogee Land Office,

Muskogee, Indian Territory.

Sir:

Herewith inclosed you will find two copies of the testimony taken by the Commission on February 11th, 1901, in the matter of the application of Cenny Murphy for the enrollment of his wife, Sarah R. Murphy, as a citizen by blood of the Cherokee Nation. You will please place these copies of the testimony with the other papers in the case now in file in your office.

Yours very truly,



Acting Chairman.

Enc-C-C.

Department of the Interior,  
Commission to the Five Civilized Tribes.  
Muskogee, I. T. September, 4th, 1900.

\*\*\*\*\*

In the matter of the application of GONNY MURPHY, for the enrollment of his eight minor children, Genny Jr., Mattie, Robert, Augustus, Sallie, Elise J., Richard L., and Catherine, as citizens of the Creek Nation.

Genny Murphy being duly sworn by Acting Chairman Birby, testified as follows:

By the Commission:

Q. What is your name? A. Genny Murphy.

Q. What is your age? A. 39.

Q. What is your post-office address? A. Chooska, I. T.

Q. For whom are you applying for enrollment as citizens of the Creek Nation? A. For my children.

Q. How many children are you applying for? A. Eight.

Q. Please give names and ages of each of your children.

A. Genny Jr., 15

Mattie, 13,

Robert, 11,

Augustus, 9,

Sallie, 7,

Elise J. 5,

Richard L. 3, and Catherine, 11 months.

Q. Are these eight minor children of yours all now living? A. Yes sir.

Q. Their post office is the same as yours? A. Yes sir.

Q. You are the father of all these children? A. Yes sir.

Q. Are you a recognized citizen of the Creek Nation? A. Yes sir, a citizen by blood.

Q. Have you ever been enrolled by the tribal authorities of the Creek Nation? A. Yes sir, every roll that was made since I was born.

Q. Does your name appear upon the tribal rolls of the Creek Nation? A. Yes sir.

Q. To what Creek town do you belong? A. Broken Arrow.

The authenticated rolls of the Creek Nation for the year 1890, Broken Arrow town, examined and the name of Genny Murphy found thereon on page 223; also the pay roll of the Creek Nation for the year 1895, Broken Arrow town examined and the name of Genny Murphy found thereon at page number 26.

The Commission to the Five Civilized Tribes has not in its possession the authenticated roll of the Creek Nation for 1895 of Broken Arrow town.

Q. Where do these eight minor children of yours live? A. At Chooska.

Q. Do they live with you? A. Yes sir.

Q. Are the father of all these children are you? A. Yes sir.

Q. Who is the mother of these eight minor children? A. Sarah Murphy

Q. She is a recognized citizen of the Cherokee Nation is she not?

A. Yes sir.

Q. Is her name on the authenticated roll of 1880 of the Cherokee Nation? A. No sir.

Q. Was your wife, the mother of these eight minor children, ever been recognized by the tribal authorities of the Creek Nation as a citizen thereof? A. No sir.

Q. Have these eight minor children of yours ever been enrolled by Cherokee tribal authorities as a citizen of the Cherokee Nation?

A. 2 or 3 of the children were enrolled but their names were scratched off of the Cherokee rolls.

Carry Murphy Jr.

Q. Do the names of any of the minor children for whom you make application appear upon any of the tribal rolls of the Cherokee Nation.

A. I don't know.

Q. Have your eight minor children for whom you now make application for enrollment as citizens of the Creek Nation, ever been recognized by the tribal authorities as citizens thereof? A. Yes sir.

Q. Have those eight minor children of yours been enrolled by the tribal authorities of the Creek Nation as citizens of the Creek Nation? A. Yes sir.

Q. Do the names of those eight minor children appear upon the tribal rolls of the Creek Nation? A. Yes sir.

The Authenticated tribal rolls of the Creek Nation for the year 1890, Broken Arrow town, examined, and the names of Berry and Mattie found thereon, on page 233.

Q. Did you have a child in your family by the name of Berry? A. No sir.

Q. Did you have any kinfolks by the name of Berry? A. No sir.

Q. For how many children did you draw money in 1890 from the Creek Nation. A. I don't remember, but I believe it was seven, but I am not right sure; I drew for all; I got the names mixed up; I drew at two payments; I drew \$216.00

Q. Do you identify the name of Berry as it appears on the 1890 roll positively as your son Bob? A. I just drew for Bob; it was just a mistake of the town chief was all; I drew for Bob.

Q. In your opinion Berry was meant for Bob? A. Yes sir.

The 1891 Omitted roll of the Creek Nation, Broken Arrow town examined and the names of Carry Murphy and Gus Murphy found thereon at Nos. 400 and 401 consecutively; also the 1893 pay roll of the Creek Nation, Broken Arrow town, examined and the names of Carry Murphy, and Robbie, Gustavus and Sallie Murphy found thereon at No. 84-89-90-91- and 92 consecutively. Also 1895 pay roll of the Creek Nation, Broken Arrow town examined and the name of Eliza found thereon at # 92-2; the name of Eliza however was written on the 1895 roll with a lead pencil and indicates thereon further in lead pencil that it was a now born, and it appears that the name was placed thereon after the 1895 roll was made.

Q. What degree of Creek Indian blood do you claim for yourself? A. My great-grand-father mother was a full blood—about 1/8.

Q. What degree of Creek Indian blood do you claim for your eight minor children? A. about 1/16

Q. You have been enrolled yourself as a citizen of the Creek Nation? A. Yes sir.

Are you advised that the Act of Congress approved June 29th 1898, commonly known as the "Curtis Bill" contains the following provision?

"The several tribes may, by agreement, determine the right of persons who for any reason may claim citizenship in two or more tribes, and to allotment of lands and distribution of moneys belonging to each tribe; but if no such agreement be made, then such claimant shall be entitled to such rights in one tribe only, and may elect in which tribe he will take such right; "

A. Yes sir.

Conny Murphy vs.

Q. Have you and your eight minor children, for who you now make application for an allotment as citizens of the Creek Nation, resided continuously in the Creek Nation during the past three years? A. Yes sir, resided here all their lives, never been any where else.

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W. H. Gentry, being duly sworn by Acting Chairman Mixby, testified as follows:-

By the Commission-

Q. What is your name? A. Sir.

Q. What is your post office address? A. Chascoah, I. T.

Q. You are a recognized citizen of the Creek Nation, are you not? A. Yes sir.

Q. Are you holding any office in the Creek Nation at the present time? A. I don't know whether you would call it holding office or not; I am a member of the council, lower house.

Q. What Creek town do you represent? A. Broken Arrow.

Q. How long have you resided in the Creek Nation? A. Ever since 1885.

Q. Do you know Conny Murphy who applies for enrollment for his 8 minor children? A. Yes sir.

Q. Do you know how many children he has? A. I don't know exactly how many children; I have been there at his house and I know that he has got a good many, but just the number I cannot say.

Q. Do you know the names of any of the children? A. Well no I don't know as I do.

Q. You are familiar with the town roll of Broken Arrow Town are you not? A. Yes sir; I ought to be more than I am, but they are not in very good shape.

Q. Have you ever been King of Broken Arrow town? A. No sir.

Q. Do you know whether or not all of Mr. Murphy's children have always been recognized by the Creek tribal authorities as citizens of the Creek Nation? A. Yes sir, always been recognized; I never heard them doubted.

Q. Do you know whether or not all of his minor children have been enrolled by the tribal authorities of the Creek Nation? A. I do not know; that was my understanding that they enrolled them all. I know that I had a right smart to do with the getting up of the last rolls when Joe King was chief. I don't know whether they got them all or not, but they got all that was living at that time. All that was born then.

Q. How long have you known Mr. Conny Murphy? A. Ever since he was a boy; always knew him.

Q. Do you know that he has a large family of children.

A. Yes sir. I have been there at his house and staid with them nights; he lives quite a ways from me and in passing there I stopped with them; I know they run from grown down; not much difference in sizes as they go along.

Q. Has Mr. Murphy and his children always been recognized by the Creek Nation as citizens thereof? A. Yes sir that is my understanding, I have never heard it disputed.

Q. You have not heard the citizenship of Mr. Murphy or any of his children questioned by the Creek Tribal authorities? A. No sir I know they never was because I belong to the same town he does; I know I would have heard it if there would have been.

Conny Murphy #4.

- Q. Did you ever hear of them being considered as Cherokee citizens?  
A. I knew their mother was Cherokee, but they never lived in the Cherokee Nation. Whenever they live here they always consider them citizens if they have Creek blood in them. They belong to the father's town when the mother is of different nationality.
- Q. You have no doubt then, Mr. Gentry that the eight children of Mr. Murphy, for whom he now makes application for enrollment as citizens of the Creek Nation, are citizens thereof, and entitled to enrollment?  
A. Yes sir just as much entitled as anybody, and no Creek citizen doubts it; I never heard one express anything in my life against them; never heard of their citizenship being doubted or questioned; but his wife never was held as a citizen, I know when he married right here.
- Q. Do you know whether or not the authenticated roll of 1895, Broken Arrow town, is now in existence?  
A. No sir I do not.
- Q. Have you ever seen the authenticated roll of the year 1895?  
A. I always assisted Mingo; I kept the roll, I got my book one time but it is lost; I bought it for him and got Mrs. McKellon to get it up, she got it up for him in good shape; I cannot remember dates but I know that I bought a book for him and gave \$3.00 for it.
- Q. Did Mr. Murphy ever have any trouble in having the names of his children placed upon the rolls of Broken Arrow town?  
A. No sir.
- Q. Was their citizenship ever questioned by the Creek Council?  
A. No sir, never was brought up; I have been a member of the Council two terms, eight years and never heard of its being questioned. I don't believe you would ever hear of any Creek citizen ever questioned like that.
- Q. You are satisfied in your own mind that these minor children of Mr. Murphy actually participated in all payments made in the Creek Nation to which they were entitled to receive?  
A. Yes sir.

Conny Murphy-recalled:

- Q. The names of your two youngest children, Richard L. and Catherine Murphy, do not appear upon any rolls of the Creek Nation, do you know how to account for this?  
A. Yes sir, they were born since the roll was made.
- Q. Have they been put on any rolls of the Creek Nation?  
A. I don't know but what Dick has; but the only rolls that they have been put on by the Commission, Richard may have been put on the Creek rolls, I am not sure though that he was, but I think possibly that the roll that he was put on when the Commission was at Coweta some two years ago he was enrolled.
- Q. Have they been put on the town roll of the Creek Nation?  
A. The youngest has not, I don't know whether Richard has or not, it is likely that he has.
- Q. You and your children have always resided in the Creek Nation?  
A. Yes sir.
- Q. You have a home here?  
A. Yes sir.

\*\*\*\*\*

E. Hastain having been first duly sworn, upon his oath states that as stenographer to the Commission to the Five Civilized Tribes, he reported in all all proceedings had in the above entitled cause on the 4th day of September, 1900, and that the above and foregoing is a full, true and correct transcript of his stenographic notes, of said proceedings on said date.

E. Hastain

Subscribed and sworn to before me this 31 day of Oct 1900.

Wm. J. Remond Notary Public  
Adm. Ex. 100



Department of the Interior,  
Commission to the Five Civilized Tribes,  
Muskogee, I. T. September, 30th 1900.

In the matter of the application of Conney Murphy for the enrollment of his minor children, Conney Jr., Mattie, Robert, Augustus, Sallie, Eliza Jane, Richard Lewis, and Catherine.

TAYLOR CHISSOE being duly sworn testified as follows:

Examination by the Commission-

- Q. What is your name? A. Taylor Chissoe.  
Q. Are you a citizen of the Muskogee Nation? A. Yes sir.  
Q. What town do you belong to? A. Broken Arrow.  
Q. Have you held any official position in the Creek Nation? A. Yes sir.  
Q. You may state what it was. A. I have been council member eight years.  
Q. Which house? A. Both houses.  
Q. Were you a member of the Council in the year 1895? A. Yes sir.  
Q. Did you have anything to do with the making of the census rolls of Broken Arrow town? A. Yes sir, I was town leader then and took the census of the town.  
Q. Did you know Conney Murphy at the time you made out the roll?  
A. Yes sir, we were both living in town then—right here in town.  
Q. Were you acquainted with the members of his family? A. Yes sir.  
Q. Can you state whether or not their names were placed on the 1895 census roll of Broken Arrow town? A. Yes sir, I went to him and he gave me the names and I put them down.  
Q. Do you remember how many names were placed on the roll at that time? A. About four or five, though I am not certain.  
Q. Are you able to give the names of his children? A. Yes sir, some of them. Rob, Gus, I havent seen them for so long—Mattie.  
Q. Was there one named Conney? A. Oh yes sir, Conney.  
Q. On the 1895 pay roll at # 92-2 is a name in lead pencil, Eliza marked, new born; do you know who placed that name there? (Witness is here shown the aforesaid pay roll at the aforesaid page and number)  
A. No sir I dont know who put it there  
Q. Are you positive, Mr. Chissoe, that the names of Conney Murphy, Lottie Murphy, Conney Murphy Jr., Mattie Murphy, Robbie Murphy, Gustavus Murphy and Sallie Murphy were placed upon the 1895 authenticated census roll of Broken Arrow town? A. Yes sir.  
Q. When the money was paid to Conney Murphy did you identify these names as being on the authenticated roll? A. Yes sir.  
Q. Was the 1895 authenticated roll of Broken Arrow town, which you prepared, adopted by Council? A. Yes sir.  
Q. Is Mr. Conney Murphy and his children residing in the Creek Nation, and been recognized by the Creek tribal authorities as a citizen of the Creek Nation? A. Yes sir, they resides here, born and raised right here in the Creek Nation.  
Q. And been recognized as Creeks? A. Yes sir, and drawed their money.  
Q. The mother of these children is not a citizen is she? A. No sir she is a Cherokee.



Chas. von Weise, having been first duly sworn, upon his oath states that as stenographer to the Commission to the Five Civilized Tribes, he reported in full all proceedings had in the above entitled cause on the 26th day of September, 1906, and that the above and foregoing is a true, correct and full transcript of his stenographic notes, of said proceedings on said date.

*Chas von Weise*

Subscribed and sworn to before me this the 29 day of January 1907

*[Signature]*  
Notary Public  
Commissioner

DEPARTMENT OF THE INTERIOR  
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application of Conny Murphy for the enrollment of his eight minor children, Conny, Jr., Mattie, Robert, Augustus, Sallie, Eliza J., Richard L., and Catherine Murphy as citizens of the Creek Nation.

D E C I S I O N .

It appears from the record in this case that on September 4, 1900, Conny Murphy appeared before this Commission at Muskogee, Indian Territory and made application for the enrollment of his eight minor children, Conny Jr., Mattie, Robert, Augustus, Sallie, Eliza J., Richard L., and Catherine Murphy as citizens of the Creek Nation and that additional testimony was taken in support of said application, on September 20, 1900.

It also appears that the said Conny Murphy is a recognized citizen of the Creek Nation and that his name is found upon the 1890 authenticated Creek roll and upon the 1895 pay roll of Broken Arrow Town of the Creek Nation; that his wife, the mother of the said children is Sarah Murphy, a recognized citizen of the Cherokee Nation and that two or three of the said children have been heretofore enrolled as citizens of the Cherokee Nation by the tribal authorities of the said Nation.

It further appears that all of the said children except Richard L. and Catherine Murphy have been recognized as citizens of the Creek Nation by the tribal authorities of the said Nation and that their names are found upon the authenticated Creek roll but that the said Richard L. and Catherine Murphy have never been duly enrolled or admitted as citizens of the said Nation.

It further appears that the said Conny Murphy has elected to have all of the said children enrolled and take allotment of land and distribution of moneys in the Creek Nation.

Paragraph 3 of Section Twenty-one of the act of June 28, 1898 ( 30 Stats. 495) is as follows:

"Said Commission is authorized and directed to make correct rolls of the citizens by blood of all the other tribes, eliminating from the tribal rolls such names as may have been placed thereon by fraud or without authority of law, enrolling such only as may have lawful right thereto, and their descendants born since such rolls were made, with such intermarried white persons as may be entitled to Choctaw and Chickasaw citizenship under the treaties and the laws of said tribes."

And paragraph 8 of the said section of said act provides: "The several tribes may, by agreement, determine the right of persons who for any reason may claim citizenship in two or more tribes, and to allotment of lands and distribution of moneys belonging to each tribe; but if no such agreement be made, then such claimant shall be entitled to such rights in one tribe only, and may elect in which tribe he will take such right; but if he fail or refuse to make such selection in due time, he shall be enrolled in the tribe with whom he has resided, and there be given such allotment and not elsewhere."

The commission holds that by the word 'descendant' as used in paragraph 3 above quoted, is meant descendants in the female line according to the usages and customs of the tribes to which said act relates; that in the Creek Nation descent is in the female line when the mother is a recognized member of any Indian tribe; that to


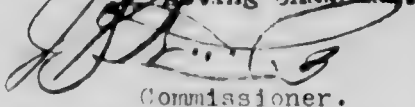
establish a right to enrollment in the tribe of his father it must be shown that the applicant has been duly and lawfully adopted, enrolled or admitted to citizenship in said tribe; and that the action of the tribal authorities in adopting, either by special act or by the approval of tribal rolls, certain descendants of a female member of another tribe, who are specifically named in said act or upon said rolls, cannot be construed as an adoption of children then unborn when the mother herself has not been so adopted.

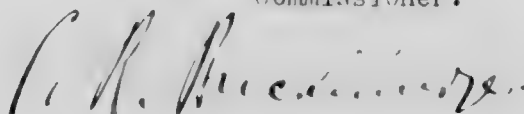
The authority of this Commission to hear and determine original applications for citizenship expired by limitation November 9, 1896, and the authority of the tribal councils and legislatures or legally constituted courts or committees designated by the several tribes to hear and determine such applications expired by limitation October 10, 1896 in accordance with the provisions of the act of Congress approved June 10, 1896 ( 29 Stats. 321). Paragraph 8 of the act of June 28, 1898 above quoted, did not revive or renew that authority, either in the Commission or in the tribes, and under its provisions those persons only whose names were upon the authenticated rolls of two or more tribes on June 28, 1898, or who had been duly and lawfully adopted, enrolled or admitted as citizens of two or more tribes prior to said date can elect in which of said tribes they will be enrolled and take allotment of lands and distributions of moneys.

It is therefore the opinion of this Commission that Conny Jr., Mattie, Robert, Augustus, Sallie and Eliza J. Murphy are citizens by adoption of the Creek nation and that in accordance with the election made on their behalf should be enrolled as citizens of the said Nation but that Richard L. and Catherine Murphy are not citizens of the Creek Nation by birth or adoption and that the application for their enrollment as citizens of the said Nation should be denied and it is so ordered.

The Commission to the Five Civilized Tribes.

Dated at Muskogee, Indian Territory,  
this 30th day of April, 1901.

  
Acting Chairman.  
  
Commissioner.

  
Commissioner.

C O P Y .

Muskogee, Indian Territory, January 16, 1902.

The Honorable.

The Secretary of the Interior.

Sir:

There is herewith transmitted the record of proceedings in the matter of the application of Conny Murphy for the enrollment of his eight minor children, Conny, Jr., Mattie, Robert, Augustus, Sallie, Elisa J., Richard L., and Catherine Murphy as citizen of the Creek Nation, including the decision of the Commission, dated the 30th day of April, 1901, enrolling Conny Jr., Mattie, Robert, Augustus, Sallie and Elisa J. Murphy as citizens by adoption of the Creek Nation, and denying the application made for the enrollment of Richard L. and Catherine Murphy as citizens of said nation.

Respectfully,

T. B. Needles.

Commissioner in Charge.

Through the Commissioner  
of Indian Affairs.

1 enclosure.  
Creek-54

C O P Y .

Muskogee, Indian Territory, January 16, 1902.

Mr. Conny Murphy,

Cheoka, Indian Territory.

Dear Sir:

There is herewith enclosed a copy of the decision of the Commission to the Five Civilized Tribes in the matter of the application made by you for the enrollment of your eight minor children as citizens of the Creek Nation.

The decision, with a copy of the proceedings had in the case, is this day transmitted to the Secretary of the Interior for his review and decision. The final decision of the Secretary will be made known to you as soon as the Commission is informed of the same.

Yours truly,

T. B. Needles.

Commissioner in Charge.

1 enclosure.  
C.M.  
Registered.

C O P Y .

Muskogee, Indian Territory, January 16, 1902.

A. P. McKelley, Esq.,

H. E. Reed, Esq.,

Attorneys for the Creek Nation.

Gentlemen:

There is herewith enclosed a copy of the decision of the Commission to the Five Civilized Tribes in the matter of the application of Genny Murphy for the enrollment of his eight minor children as citizens of the Creek Nation.

The decision, with a copy of the proceedings had in the case, is this day transmitted to the Secretary of the Interior for his review and decision. The final decision of the Secretary of the Interior will be made known to you as soon as the Commission is informed of the same.

Yours truly,

T. B. Needles.

Commissioner in Charge.

1 enclosure.  
McK & R. (11)  
Registered.

Refer in reply to  
the following:

C o p y

DEPARTMENT OF THE INTERIOR,

Land.

Office of Indian Affairs,

5023-1902.

WASHINGTON, February 18, 1902.

The Honorable

The Secretary of the Interior.

Sir:

I have the honor to transmit herewith a report made January 16, 1902, by the Commission to the Five Civilized Tribes forwarding the record of proceedings in the matter of the application of Conny Murphy for the enrollment of his eight minor children, Conny, Jr., Mattie, Robert, Augustus, Sallie, Eliza J., Richard L., and Catherine Murphy, as citizens of the Creek Nation.

The Commission reports that Conny Murphy is a recognized citizen of the Creek Nation; that his name is found on the 1890 and 1895 authenticated Creek Rolls; that his wife Sarah Murphy, the mother of said children, is a recognized citizen of the Cherokee Nation, and that two or three of the said children have been heretofore enrolled as citizens of the Cherokee Nation by the tribal authorities thereof; that it further appears that all of said children except Richard L. and Catherine Murphy have been recognized as citizens of the Creek Nation by the tribal authorities thereof and that their names are found upon the authenticated Creek roll, but that the



two last named children have never been duly enrolled or admitted as citizens of the Creek Nation. It further appears that said Conny Murphy has elected to have all of said children enrolled as Creeks.

It is the opinion of the Commission that Conny, Jr., Mattie, Robert, Augustus, Sallie and Eliza J. Murphy are citizens by adoption of the Creek Nation and in accordance with the election made on their behalf should be enrolled as such, but that Richard L. and Catherine Murphy are not citizens of the Creek Nation by birth or adoption and their application for enrollment as Creeks should be denied.

It is the opinion of the Commission that descent in the Creek Nation, according to its customs, must fall in the female and not in the male line.

This office does not agree with the conclusion of the Commission in this particular, and respectfully recommends that the Commission be directed to place the names of all the applicants upon the Creek tribal rolls.

Very respectfully,

Your obedient servant,

W. A. JONES.

Commissioner.

WCV  
D

3 inclosures.

C o p y.

DEPARTMENT OF THE INTERIOR.

FHE.

WASHINGTON.

I.T.D.1262-1902.

November 24, 1902.

LRS.

Commission to the Five Civilized Tribes,

Muskogee, Indian Territory.

Gentlemen:

February 18, 1902, the Commissioner of Indian Affairs transmitted your letter of January 16, 1902, submitting the papers in the matter of the application of Conny Murphy for the enrollment of his minor children, Conny, Jr., Mattie, Robert, Augustus, Sallie, Eliza J., Richard L., and Catherine Murphy, as citizens of the Creek Nation.

The youngest child, Catherine, was eleven months old at the time of taking the testimony in this case, September 4, 1900.

It appears that Conny Murphy is a recognized citizen of the Creek Nation; that his name appears upon the 1890 and 1895 Creek rolls; that his wife, the mother of said children, is a recognized citizen of the Cherokee Nation; that two or three of the said children have been enrolled as citizens of the Cherokee Nation by the tribal authorities of

C a p y.

DEPARTMENT OF THE INTERIOR.

FEB.

WASHINGTON.

I.T.D.1262-1902.

November 24, 1902.

LRS.

Commission to the Five Civilized Tribes,

Muskogee, Indian Territory.

Gentlemen:

February 18, 1902, the Commissioner of Indian Affairs transmitted your letter of January 16, 1902, submitting the papers in the matter of the application of Conny Murphy for the enrollment of his minor children, Conny, Jr., Mattie, Robert, Augustus, Sallie, Eliza J., Richard L., and Catherine Murphy, as citizens of the Creek Nation.

The youngest child, Catherine, was eleven months old at the time of taking the testimony in this case, September 4, 1900.

It appears that Conny Murphy is a recognized citizen of the Creek Nation; that his name appears upon the 1890 and 1895 Creek rolls; that his wife, the mother of said children, is a recognized citizen of the Cherokee Nation; that two or three of the said children have been enrolled as citizens of the Cherokee Nation by the tribal authorities of

said Nation; that all of said children except Richard L., and Catherine Murphy, have been recognized as citizens of the Creek Nation, and their names are found upon the authenticated Creek roll; that the two last named children have never been enrolled or formally adopted as citizens of the Creek Nation.

You held that said children except Richard L., and Catherine Murphy, are citizens of the Creek Nation, and in accordance with the election of their fathers made on their behalf should be enrolled as such; that Richard L., and Catherine Murphy are not citizens of the Creek Nation by birth or adoption, and their application for enrollment as Creeks should be denied, as in your opinion, descent, in the Creek Nation according to the usages and customs, must follow in the female line and not in the male line.

The Commissioner of Indian Affairs disagrees with you in this latter proposition, and recommends that you be directed to place the names of all the applicants upon the Creek tribal roll. In view of the decision of the Department of November 20, 1902, in the case of Lillian and Pearl

Lerblance, you are directed to place the names of the applicants upon the Creek roll. A copy of the Commissioner's letter is inclosed.

Respectfully,

Thos. Ryan.

Acting Secretary.

1 inclosure.

COPY

Creek Enrollment  
Case No. 54.

Muskogee, Indian Territory, December 11, 1902.

Conny Murphy,

Choska, Indian Territory.

Dear Sir:

You are hereby advised that in accordance with Departmental decision of November 24, 1902, in the matter of the application made by you for the enrollment of your eight minor children, Conny, Jr., Mattie, Robert, Augustus, Sallie, Eliza J., Richard L., and Catherine Murphy, as citizens of the Creek Nation, the Commission has enrolled your said children as citizens of said nation.

Respectfully,

Acting Chairman.

Registered.

COPY

Creek Enrollment  
Case No. 54.

Muskogee, Indian Territory, December 11, 1902.

A. P. McKellop, Esq.,

H. C. Reed, Esq.,

Attorneys for the Creek Nation,

Muskogee, Indian Territory.

Gentlemen:

You are hereby advised that in accordance with Departmental decision of November 24, 1902, in the matter of the application made by Conny Murphy for the enrollment of his eight minor children, Conny, Jr., Mattie, Robert, Augustus, Sallie, Eliza J., Richard L., and Catherine Murphy, as citizens of the Creek Nation, the Commission has enrolled said applicants as citizens of said nation.

Respectfully,

Acting Chairman.



C o p y

Creek Indian Card  
Field No. 4405.

Muskogee, Indian Territory, December 11, 1902.

Cherokee Enrollment Division,

Commission to the Five Civilized Tribes.

Gentlemen:

You are hereby advised that Conny, Jr., Mattie, Robert, Augustus, Sallie, Eliza J., Richard L., and Catherine Murphy, have been regularly enrolled as citizens of the Creek Nation, on Creek Indian Card, Field No. 4405.

It appears from the records of the Creek Enrollment Division that Conny Murphy, the father of these children, is a recognized citizen of the Creek Nation; that the mother is a recognized citizen of the Cherokee Nation, and that the father has elected to have these children enrolled as citizens of the Creek Nation.

Respectfully,

Acting Chairman.

CR EN 55

CR EN 55

DEPARTMENT OF THE INTERIOR,  
COMMISSION TO THE FIVE CIVILIZED TRIBES,  
MEMPHIS, TENN. OFFICE, May 3, 1900.

IN THE MATTER OF THE APPLICATION OF  
AMOS DEER, FOR ENROLLMENT AS A MEMBER  
OF THE CREEK NATION.

Applicant Amos Deer represented by Mr. P. B. Hopkins:

BEFORE THE COMMISSION TO THE FIVE CIVILIZED TRIBES:

Amos Deer, being duly sworn by Acting Chairman Bixby, testified as follows:

By Mr. Hopkins:

- Q What is your name? A Amos Deer.  
Q How old are you? A Twenty-two years.  
Q What was your father's name? A Robert Deer.  
Q Was he a citizen of the Creek Nation? A He was down in the Shawnee country all the time.  
Q Was he a Creek Indian? A Yes sir.  
Q What town did he belong to? A Little Tulsa.  
Q Is he living now? A No, he is dead.  
Q What was your mother's name? A I didn't know her first name.  
Q Is she living? A No, she is dead.  
Q When did she die? A She died about 12 years ago.  
Q Do you know how big you were at that time? A Yes, I was just a little boy at that time.  
Q I thought you told me you were a baby when your mother died?  
A No.  
Q Do you know whether your mother was a Creek Indian or not? A No, I don't know.  
Q What did they call her, do you know? A They said she was Shawnee.  
Q Who said that? A Some of them Indians up there.  
Q Do you remember who they were now? A No, I don't know.  
Q Have you any brothers?  
A Yes, I have got one brother.  
Q Living? A Yes sir.  
Q What is his name? A Samuel Deer.  
Q Did you have any other brothers? A Yes, two other brothers, but they are dead.  
Q What were their names? A Burt Deer and Douglas Deer.  
Q Have you got a place in the Creek nation? A No, a'int got no place.  
Q Got no home or farm or anything? A No, no home here.  
Q Did your father have a place in the Creek nation? A I don't know; maybe she did, but I don't know if she ever had.  
Q Did you ever draw any money from the Creek nation? A No, I never did draw any money.  
Q Do you know whether or not your father drew any money?  
A No, I don't.

Department of the Interior,

Commission to the Five Civilized Tribes.

I hereby certify that the official and stenographic to the above Commission is that the transcript is a true and correct translation of the stenographic notes.

Department of the Interior,  
Commission to the Five Civilized Tribes,  
Okmulgee, Indian Territory, May 18, 1901.

In the matter of the application of Amos Deer for enrollment as a citizen of the Creek Nation.

Robert W. Stewart being duly sworn by the Commission, testified as follows:

Examination by the Commission.

- Q What is your name? A Robert W. Stewart.  
Q What is your age? A 33.  
Q What is your post-office address? A Holdenville.  
Q Are you a citizen of the Creek Nation? A Yes sir.  
Q Do you hold any official position in the Creek Nation?  
A Yes sir.  
Q State what it is please. A Member of the lower house of Council.  
Q Do you know Samuel Deer and Amos Deer? A Yes sir.  
Q Do you know whether or not they are recognized citizens of the Creek Nation? A They used to be.  
Q When was that? A Up I believe until about '95.  
Q Was any action taken by the Creek Nation at that time with reference to their citizenship that you know of? A They were placed before the Citizenship Commission but they never acted on it I believe.  
Q Do you know whether or not they are recognized citizens of any other Nation or Tribe of Indians? A They reside in the Shawnee country and have taken their allotments. I suppose they are recognized. They have taken allotments in Shawnee country.  
Q Do you know how they came to be recognized as Shawnees?  
A Because they resided there I suppose at the time the Shawnees taken their allotments. Lived there all their lives.  
Q What was their father's name? A Robert Deer.  
Q Was he a recognized citizen of any Indian Tribe? A A Creek Indian.  
Q Is he living? A No sir, dead.  
Q Do you know when he died? A He died about two years ago.  
Q Did he take an allotment in the Shawnee country? A Yes sir.  
Q Do you know who the mother of Sam and Amos Deer was? A No sir.  
Q The names of Sam Deer and Amos Deer are found upon the 1890 authenticated Creek roll. Do you know of any action taken by the Council or by any citizenship committee or commission of the Creek Council subsequent to 1890 towards taking their names off the Creek rolls? A None. No sir.

Examination by Mr. McKelley, Attorney for the Creek Nation

- Q Mr. Stewart were you a member of the Council in 1895 when the census was taken for the purpose of making the per capita payment of 1895? A Yes sir.  
Q Which house? A House of Kings.  
Q Then you took the census of your town as Town King? A Yes sir.  
Q Did you enroll these two parties, Sam and Amos Deer? A No sir. We erased them.  
Q You erased them? A Yes sir.

Robert W. Stewart 2

Q You found them on the roll when you came to make a new roll and you erased them? A Yes sir, they were on the roll when I came into office and I erased them.

Q Will you state why you erased them? A I erased them because I found out they had taken allotments in the Shawnee country.

Examination by the Commission.

Q Was your action in erasing their names from the roll ever approved or passed on by the Council? A No sir.

Q Did Sam and Ames Deer and their father, Bob Deer receive any money in the 1890 per capita payment? A Yes sir, all three of them.

Q Go on and state everything you know about that now? A They always did participate in the per capita payments and Bob Deer - Waddy Palmer was then auditor - Bob Deer came to us and wanted us to go down to Eufaula and see the Chief with him. We went and took the old man down there and Reley McIntosh was then Acting Chief and Bob Deer turned in script - national script to McIntosh and claimed that he was returning that money that he and his two boys had taken allotment in the Shawnee country and that they wanted to relinquish their citizenship here and remain as citizens of the Shawnee country so that they could hold their lands up there and he turned in money - that is he turned in this national script. He borrowed it from J. M. Perryman and Waddy Palmer and turned it in to the Acting second Chief Reley McIntosh and Reley McIntosh gave him a written agreement or you might call it a relinquishment - whether it amounted to anything or not I don't know. He gave him a written agreement relinquishing his title here in the Creek Nation. That is, his citizenship here.

Q Bob Deer gave to Reley McIntosh a paper - A Reley McIntosh gave it to Bob Deer showing that he was erased from the roll of the Creek Nation and was considered no more citizen of the Creek Nation.

Q That was for the purpose of enabling Bob Deer to hold the allotments in the Shawnee Country? A Yes sir, they were going to contest him up there and he done that as self protection.

Q Were Sam and Ames deer minors at that time? A No sir Ames was but Sam was not.

Q Do you know in what year it was that they returned that money to the Creek Nation? A I think it was in about 1895 or 1896.

Q Was that the money that had been drawn in the 1890 payment or 1895 payment? A I don't know what payment. He didn't mention it at all. He turned \$27.00 is all he turned over to McIntosh.

John A. Jacobs being first duly sworn testified as follows: Examination by the Commission.

Q What is your name? A John A. Jacobs.

Q What is your age? A 29 years.

Q What is your post-office address? A Hildenville.

Q Are you a citizen of the Creek Nation? A Yes sir.

Q Do you hold any official position in the Creek Nation? A Yes sir.

Q What position do you hold? A Member of the upper house.

Q Do you know Samuel and Ames Deer sons of Bob Deer? A Yes sir.

Q Do you know whether or not they are recognized as citizens of the Creek Nation? A I don't know anything about that.

Q Do you know whether or not they have taken and now hold allotments in the Shawnee country, Oklahoma? A Yes sir.

Q Do you know about what year these allotments were made to them? A No I don't but it was somewhere in 1890 I believe or 1899 I have forgotten which.



3--

Q Have you ever heard that they relinquished these allotments in the Shawnee country? A No sir.

Q Do you know of your own knowledge whether or not they still held them? A They still held them. I think they did try to relinquish their allotments but they weren't accepted and they had to keep them.

Q What town do you belong to? A Tuckabatchee.

Q What town in the Creek Nation do Sam and Amos Deer claim to belong to? A Little River Tulsa.

Q Do you know whether or not they are now recognized by the tribal authorities of the Creek Nation as citizens of the Creek Nation? A No sir, I don't.

John Gent being duly sworn testified as follows:  
Examination conducted through John A. Jacobs, sworn  
Interpreter. Examination by the Commission.

Q What is your name? A John Gent.

Q What is your age? A Don't know exactly but about 57 or 58.

Q Are you a citizen of the Creek Nation? A Yes sir.

Q What town do you belong to? A Little River Tulsa.

Q Do you hold any official position in the Creek nation? A Yes sir.

Q What position do you hold? A Member of the upper house. House of Kings.

Q Do you know Sam and Amos Deer, sons of Bob Deer? A Yes sir.

Q Are they recognized citizens of the Creek Nation at the present time? A I don't think they are.

Q Are they recognized citizens of any other Indian Tribe? A They are recognized as members of the Absentee Shawnees and live there.

Q Who was their mother if you know. A Don't know.

Q Do you know whether she was a Creek or a Shawnee? A I heard that she was Shawnee.

Q Do you know Samuel how Samuel and Amos Deer came to be recognized in the Shawnee country and get allotment of lands there?

Q Their father was there and attended to that and by that I think their father had them enrolled as citizens of the Absentee Shawnees.

Examination by Mr. McKellep, attorney for Creek nation.

Q Who represents your town in the House of Warriors? A Robert Stewart, Robert W. Stewart.

-----  
Myra Young having been first duly sworn upon her oath states that as stenographer to the Commission to the Five Civilized Tribes she reported in full all proceedings had in the above entitled cause on the 18th day of May, 1901, and that the above and foregoing is a full, true and correct transcript of her stenographic notes of said proceedings on said date.

*Myra Young*

Subscribed and sworn to before me this 18th day of May, 1901, at Okmulgee, Indian Territory.

  
Acting Chairman.

DEPARTMENT OF THE INTERIOR  
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application of Amos Deer for enrollment as a citizen of the Creek Nation.

DECISION.

It appears from the record in this case that on May 3, 1900, Amos Deer appeared before this Commission at Muskogee, Indian Territory and made application for enrollment as a citizen of the Creek Nation.

It also appears that the said Amos Deer had at one time been recognized as a citizen of the Creek Nation by the tribal authorities thereof but that he was also recognized as a member of the absent Shawnee tribe of Indians and as such received an allotment of land in the Shawnee Reservation which he still holds.

It further appears that subsequent to receiving said allotment in the Shawnee country, Bob Deer, the father of the said Amos Deer for the purpose of retaining the allotments made to himself and family in the Shawnee Reservation, relinquished on behalf of himself and his children Samuel Deer and Amos Deer all claims to citizenship in the Creek Nation.

It is therefore the opinion of this Commission that the application of said Amos Deer for enrollment as a citizen of the Creek Nation should be denied and it is so ordered.

The Commission to the Five Civilized Tribes.

Dated at Okmulgee, Indian Territory,  
this the 18th day of May, 1901.

  
Acting Chairman.

Commissioner.

  
Commissioner.



COMMISSIONERS:  
HENRY L. DAWES,  
TAMM BIXBY,  
THOMAS B. NEEDLES,  
C. R. BRECKINRIDGE.

ALLISON L. AYLESWORTH,  
SECRETARY.

DEPARTMENT OF THE INTERIOR,  
COMMISSION TO THE FIVE CIVILIZED TRIBES.

ADDRESS ONLY THE  
COMMISSION TO THE FIVE CIVILIZED TRIBES

Muskogee, Indian Territory, January 16, 1902.

Amos Deer,

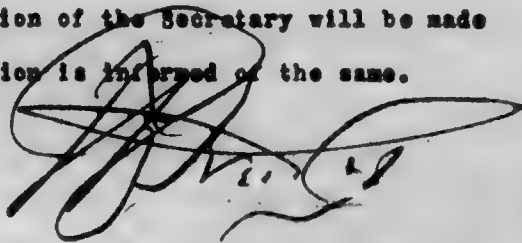
Shawnee, Oklahoma.

Dear Sir:

There is herewith enclosed a copy of the decision of the Commission to the Five Civilized Tribes in the matter of the application made by you for your enrollment as a citizen of the Creek Nation.

The decision, with a copy of the proceedings in said case, is this day transmitted to the Secretary of the Interior for his review and decision. The final decision of the Secretary will be made known to you as soon as the Commission is informed of the same.

Yours truly,



Commissioner in Charge.

1 enclosure.  
A.D.  
Registered.

C O P Y .

Wuskogee, Indian Territory, January 16, 1902.

Jesse Hill, Esq.,

Attorney for Amos Deer,

Wuskogee, Indian Territory.

Dear Sir:

There is herewith enclosed a copy of the decision of the Commission to the Five Civilized Tribes in the matter of the application of Amos Deer for his enrollment as a citizen of the Creek Nation.

The decision, with a copy of the proceedings had in the case, is this day transmitted to the secretary of the Interior for his review and decision. The final decision of the Secretary will be made known to you as soon as the Commission is informed of the same.

Yours truly,

T.B.Needles

Commissioner in Charge.

1 enclosure.  
J.H.  
Registered.

C O P Y .

Muskogee, Indian Territory, January 16, 1902.

A. P. McKelley, Esq.,

H. E. Reed, Esq.,

Attorneys for the Creek Nation,

Muskogee, Indian Territory.

Gentlemen:

There is herewith enclosed a copy of the decision of the Commission to the Five Civilized Tribes in the matter of the application of Ames Deer for his enrollment as a citizen of the Creek Nation.

The decision, with a copy of the proceedings had in the case, is this day transmitted to the Secretary of the Interior for his review and decision. The final decision of the Secretary will be made known to you as soon as the Commission is informed of the same.

Yours truly,

T.B.Needles.

Commissioner in Charge.

1 enclosure.  
McK. & R. (12)  
Registered.

C O P Y .

Muskogee, Indian Territory, January 16, 1902.

The Honorable,

The Secretary of the Interior.

Sir:

There is herewith transmitted the record of proceedings in the matter of the application of Ames Deer for his enrollment as a citizen of the Creek Nation, including the decision of the Commission, dated the 18th day of May, 1901, denying said application.

Respectfully,

T. B. Needles.

Commissioner in Charge

Through the Commissioner  
of Indian Affairs.

1 enclosure.  
Creek-58

(COPY)

Refer in reply to the  
following:

Land  
5023-1902.

Department of the Interior,  
Office of Indian Affairs,

Washington, February 28, 1902.

The Honorable

The Secretary of the Interior.

Sir:

I have the honor to transmit herewith a report made January 16, 1902, by the Commission to the Five Civilized Tribes, forwarding the record of proceedings in the matter of the application of Amos Deer for enrollment as a citizen of the Creek Nation.

The Commission states that the applicant was at one time a recognized citizen of the Creek Nation by the tribal authorities thereof, and also of the Absentee Shawnee tribe; that he received an allotment of land in the Shawnee reservation which he still holds, and the Commission is of the opinion that he should not be enrolled as a Creek citizen.

The records of this office show that the applicant received an allotment of land as an Absentee Shawnee and that same was patented to him February 6, 1892.

The office is of the opinion that the action of the Commission is correct, that it should be approved and it so recommends.

Very respectfully,

Your obedient servant,

W. A. JONES.  
Commissioner.

WCV  
D

3 inclosures.

(COPY)

L.R.S.  
I.T.D.1418-1902.

R

Department of the Interior.  
Washington.

March 8, 1902.

Commission to the Five Civilized Tribes,  
Muskogee, I.T.

Gentlemen:

On January 16, 1902, you forwarded to the Department the papers in the matter of the application of Amos Deer for enrollment as a citizen of the Creek Nation, Case No. 55. You rejected said application on May 18, 1901.

It appears that the applicant was at one time a recognized citizen of the Creek Nation, and that he was also recognized as a member of the Absentee Shawnee tribe and as such received an allotment of land on the Shawnee reservation, which he still holds.

The Commissioner of Indian Affairs forwarded your report on February 28, 1902, stating that the records of his office show that the applicant received an allotment of land as an Absentee Shawnee and that the same was patented to him February 6, 1892, and he recommends that your decision be affirmed.

The Department concurs in said recommendation and your decision in rejecting said application is accordingly affirmed.

A copy of the Commissioner's letter is inclosed.

Respectfully,

THOS RYAN.  
Acting Secretary.  
EMD.

1 inclosure.

COMMISSIONERS

HENRY L. DAWES.  
TAMS SIXBY.  
THOMAS B. NEEDLES.  
C. R. BRECKINRIDGE.

ALLISON L. AYLESWORTH.  
- SECRETARY

DEPARTMENT OF THE INTERIOR.  
COMMISSION TO THE FIVE CIVILIZED TRIBES.

(COPY)

REFER IN REPLY TO THE FOLLOWING

ADDRESS ONLY THE  
COMMISSION TO THE FIVE CIVILIZED TRIBES

Muskogee, Ind.Ter., April 4, 1902.

Ames Deer,

Shawnee, Okla.Ter.

Dear Sir:

You are hereby advised that the Secretary of the Interior, under date of March 8, 1902, affirmed the decision of the Commission, dated May 18, 1901, denying the application made by you for the enrollment of yourself as a citizen of the Creek Nation..

Yours truly,

C. R. BRECKINRIDGE.  
Commissioner in Charge.

Creek-55.

OCH.



COMMISSIONERS  
HENRY L. DAWES.  
TAMM BIXBY.  
THOMAS B. NEEDLES.  
C. R. BRECKINRIDGE.

ALLISON L. AYLESWORTH.  
SECRETARY

DEPARTMENT OF THE INTERIOR.  
COMMISSION TO THE FIVE CIVILIZED TRIBES.

(COPY)

REFER IN REPLY TO THE FOLLOWING

ADDRESS ONLY THE  
COMMISSION TO THE FIVE CIVILIZED TRIBES

Muskogee, Ind.Ter., April 4, 1902.

Jesse Hill, Esq.,

Attorney for Amos Deer,

Muskogee, Indian Territory.

Dear Sir:

You are hereby advised that the Secretary of the Interior, under date of March 8, 1902, affirmed the decision of the Commission, dated May 18, 1901, denying the application made by Amos Deer, for the enrollment of himself as a citizen of the Creek Nation.

Yours truly,

C. R. BRECKINRIDGE.  
Commissioner in Charge.

Creek-55.

OCH.

COMMISSIONERS  
HENRY L. DAWES.  
TAMM BIXBY.  
THOMAS B. NEEDLES.  
C. R. BRECKINRIDGE.

ALLISON L. AYLESWORTH.  
SECRETARY

DEPARTMENT OF THE INTERIOR.  
COMMISSION TO THE FIVE CIVILIZED TRIBES.

(COPY)

REFER IN REPLY TO THE FOLLOWING

ADDRESS ONLY IN  
COMMISSION TO THE FIVE CIVILIZED TRIBES

Muskogee, Ind. Ter., April 4, 1902.

A. P. McKellop, Esq.,

H. C. Reed, Esq.,

Attorneys for the Creek Nation,

Muskogee, Indian Territory.

Gentlemen:

You are hereby advised that the Secretary of the Interior, under date of March 8, 1902, affirmed the decision of the Commission, dated May, 1901, denying the application made by Amos Deer for the enrollment of himself as a citizen of the Creek Nation.

Yours truly,

C. R. BRECKINRIDGE.  
Commissioner in Charge.

Creek-56.

OOH.

CR EN 56

CR EN 56

DEPARTMENT OF THE INTERIOR,  
COMMISSION TO THE FIVE CIVILIZED TRIBES,  
MINNEAPOLIS LAND OFFICE, May 4, 1900.

The Matter of the Application for Enrollment  
of the Greek Nation: WILLIE SMITH,  
and his children Annie, aged 18, Neola, aged 14,  
Pearl B., aged 11, and Guy, aged 8 years.

BEFORE THE COMMISSION TO THE FIVE CIVILIZED TRIBES:

P. B. Hopkins, Esq., appearing for the Applicants.

Willie Smith, being first duly sworn by Acting Chairman Bixby,  
testified as follows:

By Mr. Hopkins:

- Q What is your name? A Willie Smith.  
Q How old are you? A Thirty-eight years.  
Q What is your postoffice address? A Bearden, I. T.  
Q You heard the names of your children read; are they all living?  
A Yes, all living.  
Q What town in the Greek nation do you belong to? A Tulsa.  
Q What tribe? A Little River.  
Q What was your father's name? A Mr. Christola.  
Q Is he living? A No, he is dead.  
Q What town did he belong to? A Little River town.  
Q What was your mother's name? A Louisa Christola.  
Q Is she living? A Yes sir.  
Q What town does she belong to? A Canadian village.  
Q Have you ever drawn any money in the Greek nation? A Yes sir.  
Q Always been recognized as a citizen of the Greek nation? A Yes.

Interrogatories by Mr. Bixby:

- Q Was your father a Shawnee? A No sir.  
Q Didn't you take your father's allotment as a Shawnee? A Yes sir.  
Q How did you happen to take your father's allotment as a Shawnee  
if he was not a Shawnee? A They set it aside to me.  
Q Why did they set it aside? A Because it was allotted to him.  
Q Why did they allot to him as a Shawnee if he was not a Shawnee?  
A I don't know.  
Q When and how did you take your allotment as a Shawnee? A About 9  
years ago I think.  
Q When you took your allotment as a Shawnee, did you believe you  
was entitled to it? A Yes sir.  
Q Believing you were entitled to it, you must have believed you were  
a Shawnee. A No, I didn't; I know better than that.  
Q Why, then, did you think you was entitled to an allotment as a Shawnee?  
A Because it was my father's and I thought it was mine.  
Q If you thought it was yours on your father's account, you must have  
believed your father was a Shawnee, didn't you? A No sir.  
Q Now then, did you believe your father was entitled to it? Can't you  
answer the question? A No sir, I don't know.  
Q Were you ever on the Greek rolls? A Yes sir.  
Q I think you said you have drawn money? A Yes sir.  
Q What money did you draw? A I drew the 100 dollars and the

Q Did you draw the \$14.40? A No, I didn't draw that.  
 Q Where? A Because they had the names misplaced and I was not on the roll.  
 Q The Creek took you off the roll? A I don't know.  
 Q At that rate, you didn't draw the money? A No sir.  
 Q Did you apply for it? A No, I was not at the payment at that time.  
 Q Do you know whether or not the committee of 18 placed your name on the doubtful list in 1893? A No, I don't.

By Mr. Hopkins:

Q Did you take this land over in the Shawnee country because you thought you were a Shawnee and could get land over there your-  
 self? A No sir.  
 Q What you intend to tell the Commission is that you took it simply because it had been your father's, and you thought you inherited it from him? A Yes sir.

Statement by Mr. Hopkins: As far as the allotment over there is concerned, if she has taken it through a false impression, she is willing it should be relinquished; in other words, they are not attempting to hold this land, or to hold land in both nations if they are not entitled to it.

JOHN GOAT, being duly sworn, testified as follows: through Interpreter J. H. Lynch:

By Mr. Hopkins:

Q What is your name? A John Goat.  
 Q About how old are you? A A little over fifty years old.  
 Q What is your postoffice address? A Maldenville.  
 Q Are you a citizen of the Creek nation? A Yes sir.  
 Q What town do you belong to? A Tulsa, Little river.  
 Q Did you ever hold any office in the Creek nation? A Yes sir.  
 Q What is it? A He says, he was prosecuting attorney, district prosecuting attorney, district judge and town king.  
 Q You were town king of Tulsa Little river town, were you?  
 A Yes sir.  
 Q Were you town king of that town at the time the 18 Committee revised the rolls for the \$14 payment? A Yes sir.  
 Q Were you a member of that committee? A Yes sir.  
 Q Did you hold any position with that committee other than a member of the committee? A Yes, I was chairman of that Committee.  
 Q When the committee were revising the rolls, does he remember the question of Millie Smith's citizenship coming up? A Yes sir.  
 Q Let him go on and state what was said and done at that time?  
 A He says at the investigation of that roll, it is his recollection that Millie Smith's name was on the Canadian colored roll, and also, on the roll of his town; he says that they agreed that they should be on his roll, and the officer of the Canadian colored town agreed to take Millie Smith's name off their roll, and leave it on the Tulsa Little river roll.  
 Q Before this committee met, Millie Smith's name was on the Canadian colored roll? A Yes sir.  
 Q And he claimed her for his town, did he? A Yes sir.  
 Q When the town king of Canadian colored town agreed to give her up to his (John Goat's) town, why didn't he put her name on the roll for that payment? A He says they was put on his roll, and along about that time he left Mason Smith in his place while he went



- to Mr. Gibson. He said that as I understood it, then, if Willie Smith's name was on the Tulsa Little River roll at that time, I don't know whether or not it was on the roll. He says the roll was taken over by the council, with that name on the roll, and there was objection made in the council to that name being on that roll, after the objection had turned the roll over to the council, when the committee turned the roll over to the council, the name was on his roll. Oshes Harjo expressed it in the name of King.
- Q Was there anyone objected to her name on that 18-committee?
- A No, there was no objection to it in the committee; when they found out the name was on both rolls they agreed to let it go, and they took the name off the other roll, and let it go on his roll.
- Q What town did Oshes Harjo belong to? A Little Nevada.

By Mr. Bixby:

- Q When the objection was made in the council to the name of Willie Smith and her children being on the Tulsa Little River roll, what action was taken? A He says the objection was made in council, and he told them there was no objection necessary to that name, but that this man Oshes Harjo kept up his objections, and still continued his objections.
- Q What action did the council take? A He says he don't remember what action they took, he don't know the reason of the objection, and he don't know what action the council took on the case.
- Q Wasn't he present when the matter was settled? A He don't remember; he was there, but he don't remember what action was taken.
- Q Does he know whether the names of Willie Smith and her children were placed on the doubtful roll by the council at that time?
- A They were placed on the roll, he don't remember whether they were placed on the doubtful roll or not.
- Q Has it been the custom of the Creeks, by consent of the town, to exchange citizens from one town to another? A He says he has known of such things being done; he agreed to let them have the names on his roll.

The following questions and answers were interpreted by General Porter:

- A He says when they exchange from one town to another, they will arrange by consent; the two chiefs would agree.
- Q Do you know whether the names of Willie Smith and her children appear on the roll of 1895, as approved by the council Mar. 2nd?
- A Yes, they were on the rolls.
- Q How do you know that? A He says he means it was on the roll as agreed to by the committee.
- Q Do you know whether it was on the roll as it finally passed the council, and was approved by the Chief? A He states that he knows it went before the council, but whether the council passed it with that name on, he does not know.

By Mr. Hopkins:

- Q What was the objection Oshes Harjo made to their names being on that roll? A He says Oshes Harjo's objection was that this woman made a home at Selinaby (Shawnee), and his understanding was that she was a Shawnee citizen.
- Q Did they tell her before the council to enter into the case at that time? A No, they did not; he would have seen it if it had been done; he said that all he thought about it, the town chief understood for them, and people, and the council always accepted them; that is all he knows about it.

FRANK JACOBS, being duly sworn, by asking Chairman Bixby.

Testified as follows:

By Mr. Hopkins:

- Q What is your name? A Frank Jackson.  
Q How old are you? A Sixty years.  
Q What is your present address? A Holdenville.  
Q Are you a citizen of the Creek nation? A Yes sir.  
Q What town do you belong to? A Little River, Tulsa.  
Q Do you know Millie Smith? A Yes sir.  
Q Did you know her father? A Yes sir.  
Q Was he a Creek citizen? A Yes sir.  
Q Was he recognized and on the roll of the nation? A Yes, all I ever knew.  
Q Did you know Millie Smith's mother? A Yes sir.  
Q What was her name? A Bow Oldham.  
Q Is she living? A Yes sir.  
Q Is she recognized as a citizen of the Creek nation? A Yes sir.  
Q Do you know of any objection having been made to Millie Smith as a citizen of the Creek nation? A Yes, I heard them talking about it, but I never knew the particulars.  
Q What was the objection you heard stated against her? A The objection was she was rejected by the council; that George Hayje said he understood that she was adopted by the Shawnees.  
Q Did you understand that the council investigated the case at that time? A No, not the particulars; I heard it; I don't know it.  
Q The only thing you ever heard against Millie Smith was that she had been adopted by the Shawnees? A Yes sir.

By Mr. Dixby:

- Q Was her mother an Indian or colored woman? A Colored woman.  
Q Does her mother's name appear on the Dunn roll? A I don't know.

The enrollment card of Louisa Oldham is produced, on which it appears that the mother's name, Louisa Oldham, does not appear on the Dunn roll.

By Mr. Hopkins: We desire to refer to the Canadian colored roll of '90, page 77, to the names of Millie Smith, and two of her children.

The roll of 1895 being produced, it appears that the names of Millie Smith and four children appear on the roll, but it also appears that these names were erased, and no where else on the roll of 1895 do the names of this applicant and her children, or any names corresponding thereto, appear.

By Mr. Hopkins: Objection is made to the introduction of the 1895 roll as to the names of Millie Smith and four children, as follows: Nellie, Annie, Berbey, Hustler and Booker, until the records have been made to show definitely that this is the same family that is applying for citizenship under the names of Millie Smith, Annie, Bessie, Joseph B. and Guy Smith.

By Mr. Dixby: It appears from the roll of 1895 that the following resolution was adopted by the council at the time the said rolls were considered: "Be it resolved by the National Council of the Muskogean Nation, that the names of Nellie, Annie, Berbey, Hustler and Booker Smith be, and the same are hereby erased from the rolls of the Little River Tulsa town, and placed on the doubtful list."



Robert Stewart, being first duly sworn, testifies as follows:  
By Mr. Howland:

- Q What is your name? A Robert Stewart.  
Q How old are you? A Thirty-two.  
Q What is your postoffice? A Holdenville.  
Q Are you a Creek citizen? A Yes, sir.  
Q Of what town? A Little River, Tulsa.  
Q Do you hold any official position? A I am now representative; I was town king all through my new representative in the lower house.  
Q How long were you town king? A Four years.  
Q Do you know Millie Smith? A Yes sir.  
Q Do you know her father, Chisholm? A I have seen him; I didn't know him personally.  
Q Do you know her mother? A Yes sir; she lived about 6 miles this side of Holdenville.  
Q Is she a recognized citizen of the Creek nation? A Yes, she has already filed before the Dawes Commission.  
Q Tell what you know about the admission of Millie Smith?  
A Old Jess Chisholm is part Cherokee, and Jess was the father of William Chisholm, three-quarters Creek; he was on the Little River Tulsa roll, and William Chisholm was the father of Millie Smith nee Chisholm. William Chisholm, being a southern man had slaves, and by one of his own slaves, he had the child, which is now Millie Smith, nee Chisholm, by Louisa Ogleham; Louisa Ogleham now lives this side of Holdenville, and Mr. Goat used to be town chief of our town. Goat was chairman of that commission, and Goat and Ispaharichie and McIntosh was elected delegates to the First Tribe Commission; Goat rejected his name and appointed McIntosh in his place, and we gave him the National name, and his name was already passed on by the committee, and when we referred to the council when we left. When the council was with that I will not say; it is not my place to say it. Goat put in the roll, and it was just about three days before the general council adjourned when we returned, and he let them put it out. Before Goat went to Ft. Gibson, her name was presented to the council and passed, and recommended to the council for action. When I was elected the next month, in accepting the roll, the national council never presented that name to me to pass it, and it never appeared, and that was where the name was lost.  
Q Do you remember whether or not the council, or the Gilbert Commission, or anyone, ever inquired into Millie Smith's name after her name had been placed on the doubtful list by the committee?  
A Not that I know of.  
Q Was there ever any trial? A No, never was; they was always considered as Creek citizens; I know they resided on the Canadian south of me; of course, I don't think there was any question about it.  
Q As far as the action of the council is concerned, the matter started as it did in 1893, with the name of Millie Smith; if this name of Nellie Smith was intended for Millie Smith, on the doubtful roll-- (not)  
A Yes, because it was submitted to me, and I didn't enroll them; the Nellie Smith is the same; it has occurred lots of times; if an Injun don't know a man's name, he will put the last name I hear, the same as in this Lana Lena case I am here and it is the same thing; her parents are Creek citizens, and the father is a Creek citizen, and I don't see why there would be any objection and that would be with the Dawes Commission is anything; there is no question about their being Creek citizens; both parents were full fledged Creek citizens under the Curtis Bill, or any other law.  
Q That is all you know about it? A Yes, sir.

By Mr. Bixby:

- Q In your opinion, this family of Nellie Smith and her children as given on the roll, is the same as Millie Smith and her children?  
A Yes, the same to all appearances; that is only a matter of a little quirk on the N; made that instead of an M;

ELLIS B. CHILDERS, being first duly sworn, testified as follows:

By Mr. Hopkins:

- Q What is your name? A Ellis B. Childers.  
Q How old are you? A About 34 years.  
Q Are you a citizen of the Creek nation? A Yes sir.  
Q Did you hold any official position in 1895? A Yes sir, up to that time, I was for eight years member of the house, and four years previous I was Speaker of the house.  
Q Do you know Millie Smith? A I know her family; I have met the family, quite a number of them.  
Q Do you know anything about this case, when it came up in the courts?  
A Yes, preparatory to making the list for the \$10.00 payment, I was then Speaker of the house, and there was a committee appointed-- or a resolution at least, appointing a committee of eighteen, and I had the appointing of the Committee from the house. The Committee after the investigation, submitted the work to the house, to be approved by the council; this Little River Tulee roll question was submitted; then the question arose, not only as to this family, but there was quite a number of families supposed to be part Creek and part Cherokee, and some people lived in Shawnee country and claimed Shawnee; it came to be quite a question in the house; then there was quite a number from Broken Arrow and Richie towns the same way; finally the house referred the matter to the House of Kings; then there was another act passed under the circumstances to remedy this, and while they didn't reject the names entirely, yet they placed all such names of persons, on what they called the doubtful roll, and created a commission to pass upon them; there was a committee--council committee, as you may say; then there was a resolution passed referring these names to this committee; after they had done that they constituted an act in the house of kings creating this committee, and sent them back to the lower house; that is how it happened to be stricken out.  
Q The council did not hold that they were not citizens? A There was no decision passed on it; they merely set them out to be decided by some other body.  
Q Do you know whether the commission ever passed on these names?  
A I don't know. I may add another thing; The Colbert commission did not pass upon any cases whatever unless there was someone representing them and brought the cases up; they would not take up any cases unless they were taken up or urged up by somebody.

The records of the Colbert Commission show that this case was not heard or acted upon.

Department of the Interior,

Commission to the Five Civilized Tribes.

I hereby certify, upon my official oath as stenographer to above named Commission, that this transcript is a true, full and correct translation of stenographic notes.

James R. Brown

May 5, 1900.

Millie Smith being duly sworn by Acting Chairman Bixby, testified as follows:

By Mr. Bixby:

- Q What is your name? A Millie Smith.  
Q What is your postoffice address? A Bearden.  
Q Where do you live? A I live here in the Creek country.  
Q How long have you lived in the Creek nation? A Seven years this spring.  
Q Have you lived in the Creek Nation continuously for seven years?  
A I have been here longer than that.  
Q For the last seven years have you lived continuously in the Creek Nation? A Yes, right there.  
Q In 1899 you selected lands in Oklahoma as a member of the absent Shawnee tribe of Indians? A Yes sir.  
Q Are you still in possession of that land? A Yes sir.  
Q In the event that you are given allotment in the Creek nation, what disposition are you willing to make of this land in Oklahoma?  
A I would like to have pay for my improvements, is all, in Oklahoma.  
Q How much improvements have you on that land? A I have a couple of houses, and the lands all in cultivation.  
Q I understood from your attorney that you were willing to relinquish that land back to the government? Is that right? A Yes sir.  
Q Have you made any contract with any member of the Creek council to pay him any sum of money, or any other consideration, for the purpose of getting your name on the roll? A No sir.

J. B. SMITH, being first duly sworn, testified as follows:

By Mr. Bixby:

- Q What is your name? A J. B. Smith.  
Q You are a United States citizen, are you? A Yes sir.  
Q Are you the husband of Millie A. Smith, the applicant?  
A Yes sir.  
Q Where do you live? A At Bearden in the Creek nation.  
Q How long have you lived there? A Seven years this spring.  
Q Are you the same J. B. Smith that in 1899, selected lands for Millie A. Smith in Oklahoma? A I never selected the land; I am the one that tended to it and went to \_\_\_\_\_; she had taken her father's allotment; the land had been selected by her; the Shawnees said that she could inherit that land; that it was her father's allotment.  
Q How does it happen that this certificate was issued by N. S. Porter, U. S. Special Indian Agent: "I hereby certify that J. B. Smith selects for his wife Millie A. Smith, a member of the Ab's Shawnee tribe of Indians"? A That was the land I told him she wanted--her father's allotment, and he gave it to her.  
Q Did you ever agree to pay any member of the Creek council, any sum of money, or any other consideration, in the event that Millie Smith and her children, or either one of them, should be enrolled as a member of the Creek nation? A No, I have never paid anyone anything at all.  
Q That does not answer my question; did you ever pay or agree to pay any money, or any other consideration, to any member of the Creek council, in the event that your wife's name, or the name of her children, or either one of them, should be placed on the Creek roll? A No sir, I did not.  
Q Did you agree to pay anybody anything? A No.

I hereby certify, upon my official oath as stenographer to above named Commission, that this transcript is true, full and correct translation of original notes.

James R. D. Smith



DEPARTMENT OF THE INTERIOR.  
COMMISSION TO THE FIVE CIVILIZED TRIBES.

\*~\*~\*~\*~\*~\*

In the matter of the application for enrollment as citizens of the Creek Nation, of Millie Smith and her children, Annie, aged 16, Bessie, aged 14, Joseph B., aged 11, and Guy Smith, aged 2 years.

\*~\*~\*~\*~\*~\*

BEFORE THE COMMISSION TO THE FIVE CIVILIZED TRIBES.

DECISION.

It appears from the evidence in this case that the names of the applicant and two of her children appear on the Authenticated 1890 roll of the Creek Nation, and that it was not the intention of the Creek Council to leave the names of the applicant and her children off the 1895 roll of said nation, but that the same was done because of a misunderstanding between the town kings regarding her transfer from Canadian Colored town roll to Little River Tulsa town roll, and because of a report that the applicant had taken an allotment as an Absentee Shawnee Indian. It further appears that the mother of applicant is a Creek Freedman; that the applicant has resided in the Creek Nation continuously for the past seven years and that this cause was before the Colbert Citizenship Commission for adjudication but the same was not heard or acted upon by said commission.

It is therefore the judgment of the Commission that the application for enrollment as citizens of the Creek Nation of Millie Smith and her children, Annie, aged 16, Bessie, aged 14, Joseph B., aged 11, and Guy, aged 2 years, be granted.

Dated this 24 day of May, 1900.

  
\_\_\_\_\_  
Acting Chairman.  
Commissioner.

  
\_\_\_\_\_  
Commissioner.

MEMORANDUM.

Creek Enrollment Case No. 56.

Millie A. Smith, applicant herein, is a daughter of Louisa Olden, who is regularly enrolled as a citizen of the Creek Nation on Creek Freedmen Card, Field No. 1393.

She is a half-sister of Agnes, Osborn, Ellen, Douglas and John Olden, who are the children of said Louisa Olden.

There never has been any question as to the citizenship of Louisa Olden and her children above named, and it appears that the only reason why said Millie A. Smith and her children were placed on the doubtful roll in 1895 was for the reason, that said Millie A. Smith had taken her deceased father's allotment in the Shawnee country, believing at the time that she was entitled thereto by reason of being his heir.

It also appears that three of the children of said Millie A. Smith were old enough to take allotments in the Shawnee country at the time their mother took hers, but did not, nor is any record made of any attempt to have allotments made to these children.

It also appears that the question of citizenship of said Millie A. Smith was under consideration by the "Commission of Eighteen", whose duty it was to report to the National Council of the Creek Nation such names as they considered entitled to be placed on the Creek rolls. It appears that this Commission reported the names of Millie A. Smith and her children favorable, but when the Council took action in the matter, objection was made by some of the members thereof on the ground that said Millie A. Smith had been allotted lands in the Shawnee country, and by resolution of the Council, passed June 7, 1895, said Millie A. Smith and her children were stricken from the roll of Creek citizens and placed on what is called the "doubtful list", such doubtful list to be afterwards considered by what was then known as the "Colbert Citizenship Commission". It appears that the matter of the citizenship of these people was transferred to the Colbert Citizenship Commission for consideration, but before said Commission took any action in their case, the authority of said Commission was abolished by an act of Congress, and nothing whatever was done, further than the act of Council above referred to, touching the citizenship of these people.

C O P Y .

Muskogee, Indian Territory, January 17, 1902.

The Honorable,

The Secretary of the Interior.

Sir.

There is herewith transmitted the record of proceedings in the matter of the application of Millie Smith for the enrollment of herself and her four minor children, Annie, Bessie, Joseph B., and Guy Smith, as citizens of the Creek Nation, including the decision of the Commission, dated the 5th day of May, 1900, enrolling said applicants as citizens of said Creek Nation.

Respectfully,

Commissioner in Charge

Through the Commissioner  
of Indian Affairs.

1 enclosure.  
Creek-86.

C O P Y .

Muskogee, Indian Territory, January 17, 1902.

Willie Smith,

Bearden, Indian Territory.

Sir:

There is herewith enclosed a copy of the decision of the Commission to the Five Civilized Tribes in the matter of the application made by you for the enrollment of yourself and your four minor children as citizens of the Creek Nation.

The decision, with a copy of the proceedings had in the case, is this day transmitted to the Secretary of the Interior for his review and decision. The final decision of the Secretary will be made known to you as soon as the Commission is informed of the same.

Yours truly,

T. B. Needles.

Commissioner in Charge.

1 enclosure.  
M.S.  
Registered.



C O P Y .

Muskogee, Indian Territory, January 17, 1902

Jesse Hill, Esq.,

Attorney for Willie Smith et al.,

Muskogee, Indian Territory.

Dear Sir:

There is herewith enclosed a copy of the decision of the Commission to the Five Civilized Tribes in the matter of the application of Willie Smith for the enrollment of herself and her four minor children as citizens of the Creek Nation.

The decision, with a copy of the proceedings had in the case, is this day transmitted to the Secretary of the Interior for his review and decision. The final decision of the Secretary will be made known to you as soon as the Commission is informed of the same.

Yours truly,

T. B. Needles.

Commissioner in Charge.

1 enclosure.  
J.H.  
Registered.

C O P Y .

McKegee, Indian Territory, January 17, 1902.

A. P. McKelley, Esq.,

H. E. Reed, Esq.,

Attorneys for the Creek Nation,

Gentlemen:

There is herewith enclosed a copy of the decision of the Commission to the Five Civilized Tribes in the matter of the application of Millie Smith for the enrollment of herself and her four minor children as citizens of the Creek Nation.

The decision, with a copy of the proceedings had in the case, is this day transmitted to the Secretary of the Interior for his review and decision. The final decision of the Secretary will be made known to you as soon as the Commission is informed of the same.

Yours truly,

T. B. Needles.

Commissioner in Charge.

1 enclosure.

Registered.

Letter in reply to  
the following:

Reference  
is  
closed.

DEPARTMENT OF THE INTERIOR,  
Office of Indian Affairs.

WASHINGTON, August 27, 1902.

The Honorable,

The Secretary of the Interior.

Sir:

On January 23, 1902, the office forwarded to the Department a report dated January 17, 1902, from T. B. Needles, Esq., Commissioner in charge of the work of the Commission to the Five Civilized Tribes, transmitting for the Department's consideration the record relative to the application of Millie Smith for the enrollment of herself and her four minor children, Annie, Maude, Joseph B., and Guy Smith, as citizens of the Creek Nation.

The Commission found that the applicants above-named were entitled to enrollment as citizens of said Nation, and the office recommended the approval of its decision.

April 22, 1902, the Department returned the record in said case, together with an argument by the attorneys for the Creek Nation, which was transmitted to the Department with office report of April 13, 1902, in which they contend that the parties heretofore named are not entitled to enrollment as Creek citizens.

The Department, in its letter, called the atten-

-2-

tion of the office, on the fact that Millie Smith had theretofore been allotted land in Oklahoma as an Absentee Shawnee, and the office was instructed to investigate the matter of the allotment in Oklahoma, to readjudicate the case and make such recommendations as to the allotment in Oklahoma as the facts might warrant.

August 13, 1902 the Department referred to its letter of April 22, 1902, and requested that the office make an early report in this case.

From the evidence in the case it appears that the applicant and two of her children appear upon the authenticated 1890 roll of the Creek nation; that it was not the intention of the Creek Council to leave the names of the applicant and her said children off the 1896 roll of said nation, but that this was done by some misunderstanding by the town kings regarding the transmission of the names of said parties from the Canadian town roll to the Little River Tulsa town roll, and because of the fact that it had not correctly (See #1) reported that Millie Smith had taken an allotment as an Absentee Shawnee Indian.

The record, the office believes, plainly shows that the applicant is a Creek freedman, and that she has resided in the Creek Nation since about 1893.

\* The word "correctly", in the copy from which this copy was made, appears as if an effort had been made to correct.

The record in this case shows that the mother of Millie Smith is living, and that she is a recognized citizen of the Creek Nation; that her mother is of African descent; and that Millie Smith, herself, and her father, William Shisholm, were allotted land in Oklahoma under and in accordance with the provisions of the Act of Congress approved May 25, 1892 (17 Stat. 189).

The attorneys for the Creek Nation contend that the applicant, by taking an allotment as an Absentee Shawnee, lost her rights of citizenship in the Creek Nation.

Special Agent John J. Knox, in accordance with the instructions of this office dated September 14, 1895, allotted to Millie So-be-see (now Millie Smith), as a Absentee Shawnee, the E/2 of the NE/4 of SE/4 of section 36, T 10, R 3 - 20 acres; and to her father, So-be-see the E/2 of the NW/4 of section 36, T 11, R 2 - 80 acres; and apparently to her sister, Caroline So-be-see, the S/2 of the NE/4 of the SE/4 of section 36, T 10, R 3 - 20 acres.

This schedule of allotments was approved by the Secretary of the Interior on November 23, 1895.

The land then allotted to these parties is situated within the thirty mile square tract heretofore selected for the Pottawatomie Indians and lying next west of the Seminole

Nation in the Indian Territory."

Under date of May 24, 1887 the President authorized allotments to be made to the Absentee Shawnee and Citizen Pottawatomie Indians located on the thirty mile square tract of land west of the Seminole Nation in the Indian Territory in accordance with the provisions of the Act of February 8, 1887; and on August 10, of that year special agent Porter was instructed to make allotments. He continued the work until April 3, 1888, when its suspension was directed.

On April 23, 1889, he was instructed to complete the work of making allotments on said tract in accordance with the instructions given him August 10, 1887.

July 12, 1889 the President canceled the executive authority previously given, for the purpose of granting new authority for making allotments to the Absentee Shawnee and Citizen Pottawatomie Indians.

On the 26th of June, 1890 an agreement was concluded with the Absentee Shawnees by which the allotments of land theretofore made, and then being made to said Indians under the act of February 8, 1887, and under existing instructions, were to be confirmed. This agreement was ratified by Act of Congress approved March 3, 1891 (26 Stats., 1021.)



April 14, 1891, Special Agent Porter and Agent Patrick, in charge of the Absatee Shawnees in Oklahoma, submitted a schedule of allotments made to 363 Absentee Shawnees. This schedule of allotments shows that the following described lands were allotted to Millie A. Smith;

SW/4 of NE/4; and E/2 of NW/4, section 36, T 11, R 2 - 120 acres;

W/2 of NW/4 of NE/4, section 36, T 11 R 2 -- 20 acres;  
N/2 of NE/4 of SE/4, section 36, T 10 R 3 -- 10 acres;  
making in all 160 acres.

Under the head of "Remarks" on said schedule the following appears: "Head of family; wife of J. B. Smith; white; nee Chisholm."

The age of Millie Smith on this schedule is given as 27 years. On the 1875 schedule her age is shown as 12 years at the date of the schedule.

From the foregoing it will be seen that the land originally allotted to her father in 1875, was allotted to her by special agent Porter and Agent Patrick, and that the N/2 of the NE/4 of the SE/4 of section 36, T 10, R 3, which was allotted to her in 1875, was re-allotted to her.

From the records of this office it appears that in 1887 Special Agent Porter and Agent Neal effected arrangements with Millie Smith whereby she was to relinquish the



land allotted to her by Special Agent Knox, and on which Shawneetown was then situated, and take the land formerly allotted to her father. Special Agent Porter reported that early in April, 1888, he looked through sections 35 and 36, advised with the friends of Mrs. Smith, and made satisfactory arrangements with her and with them.

Mrs. Smith subsequently requested permission to retain her former allotment, and on May 18, 1891, Special Agent Porter reported that the land claimed by Mrs. Smith had been set aside in 1887 for the use of the United States for Agency purposes; that on the said land was erected a government physician's office and residence, stores, etc., and he stated that the reservation of this land was a necessity for the good of the service.

Messrs. Maxwell & Chase, attorneys for Millie Smith, on July 10, 1892, submitted her affidavit that she had never in any manner relinquished, given up or assigned her rights to the land allotted her in 1875; that she never authorized Special Agent Porter to allot her other lands in lieu of said allotment, and that she had always desired and then demanded that the forty acres be included in her allotment. She stated that there was a small frame house erected on the land without her knowledge or consent. She asks

that the whole forty acres be allotted to her, but request that in any event, the original twenty acres be included in her allotment then to be made to her.

The office said in office report of August 7, 1891, that under the instructions of August 10, 1887, to Special Agent Porter, which contained the following:

"Each Indian should be allowed to select his land so as to retain improvements already made. Where land heretofore allotted is in possession of and improved by a person other than the original allottee, you will allow such person to select such land. Where land heretofore allotted is not in the possession of anyone, you will treat it as vacant, allowing the original allottee the preference right to select it if he so desires, and where a former allottee desires to select land other than that heretofore allotted him, you will allow him to do so and regard the new selection as a surrender of his original allotment."

Mrs. Smith would seem to be entitled to retain possession of the twenty acres referred to.

September 16, 1891, the Department approved the schedule of allotments made by Special Agent Porter and Agent Patrick;

Willie Smith states in her testimony that she will relinquish her allotment in Oklahoma for allotted lands in the Creek Nation. This she cannot do for the reason that her entire allotment has, with the consent of the Department, been disposed of.

In the case of certain Omaha Indians having allotments on the Omaha Reservation and claiming rights as Osages, the Assistant Attorney-General, in his opinion of October 5, 1898, held that said Omaha Indians were not required by the Department to relinquish their allotments and surrender their patents, but to simply renounce their tribal rights as Omahas in order to retain their rights as Osages.

The Department on November 20, 1900 concurred in the recommendation of this office of October 6, 1900, that the adoption of Jennie Deer by the Wichita and affiliated bands of Indians be approved, "provided she makes a formal relinquishment in writing of all her rights of any character in and to the Absentee Shawnee tribe except that of her allotment of land."

Prior to the Decision of the Department in the Omaha case, it seems it was the uniform practice where the same Indian was allotted lands on different reservations, to allow him to retain but one allotment and cancel the other, as indicated in the opinion of the Assistant Attorney-General of June 23, 1894 in the case of the Citizen Pottawatomie Indians. However, the decision in the Omaha and Jennie Deer cases would seem to indicate that the Department has changed its policy and will allow double allotments.

The office does not believe that there would be any question relative to the right of Millie Smith and her

minor children to enrollment as citizens of the Creek Nation if it were not for the fact that she took an allotment of land in Oklahoma as an Absentee Shawnee.

The allotment of twenty acres first made to her was at the time she was twelve years of age, and she was undoubtedly controlled in that instance by the action of her father, but when the allotment was made to her in 1890 or 1891, she was 27 years of age, and she insisted that the twenty acres previously allotted to her be re-allotted to her, apparently because of the fact that Shawneetown was situated thereon.

The Creek authorities, it appears from the testimony, recognize her mother, Bou Oldham, as a citizen of the Creek Nation, and they recognized Millie Smith as a citizen of said nation in 1891 and 1895.

The Council in 1895 adopted a resolution as follows:

"Be it resolved by the National Council of the Muskogee Nation that the names of Nellie, Annie, Barney, Hustler, and Booker Smith be, and the same are hereby erased from the rolls of the Little River Tulsa Town, and placed on the 'Doubtful List'".

From 1890 up to the adoption of said resolution there was no question as to the citizenship of Millie Smith.

Apparently her name Millie appears in said resolution as Nellie. This discrepancy is explained in the testimony of the different witnesses, and from said testimony it would seem that the family of Nellie Smith, which appears in the said resolution, is identical with Millie Smith and her children, the applicants herein.

Robert Stuart, in his testimony, states that errors similar to that cited above often appears in the enrollment of citizens, and speaking of the Millie Smith case says "Both parents were full-blood citizens under the Curtis bill or any other law."

The deeds conveying the allotment of Millie Smith in Oklahoma were approved by the Department October 23, 1895 and October 20, 1900. One deed conveying part of her allotment, was approved subsequent to her testimony of May 5, 1900, in which she stated that she would be willing to relinquish her allotment in Oklahoma if given an allotment in the Creek Nation, but thought should be paid for the improvements thereon.

Considering the fact that Millie Smith and her minor children have heretofore been recognized as citizens of the Creek Nation, and the doctrine laid down by the Department in the Omaha and Hennie Deer cases, the office is

of the opinion that said applicant and her minor children should be enrolled as citizens of the Creek Nation, and it therefore renews its recommendation that the decision of the Commission declaring them to be entitled to enrollment as citizens of said nation, be approved.

Very respectfully,

Your obedient servant,

GAW  
D

A. C. Tonner,

Acting Commissioner.

3 incls.

References.

Land

Sac & Fox I 1531-1875.  
33777-1891,  
5039-1892,  
24262-1902,  
48405-1902.

DEPARTMENT OF THE INTERIOR,      BAP.  
WASHINGTON.

ITD. 6270 &  
631-1902.

September 22, 1902.

Commission to the Five Civilized Tribes,  
Muskogee, I. T.

Gentlemen:

On May 5, 1900, you rendered a decision in the case involving the application of Millie Smith et al. for enrollment as citizens of the Creek Nation, and on January 17, 1902, you transmitted the papers in the case for departmental action.

Submitting the case January 29, 1902, the Commissioner of Indian Affairs recommended that your decision in favor of the applicants be concurred in.

It appears that the names of the principal applicant and two of her children are on the 1890 authenticated roll of the nation; that the names of the applicant and her children are not on the 1895 roll, but you state that apparently their names were not placed on such roll because of a misunderstanding and because of a report that the principal applicant had taken an allotment in Oklahoma as an Absentee Shawnee. It appears from the roll of 1895 that the Council of the nation passed a resolution as follows, at the time the rolls were considered:

"Be it resolved by the National Council of the Muskogee Nation, that the name of Nellie (Millie), Annie, Barney, Hustler, and Booker Smith be, and the same are hereby



erased from the rolls of the Little River Tulsa Town, and placed on the 'Doubtful List'".

In view of the fact that it was shown that the principal applicant had made to her prior to 1890 an allotment as an Absentee Shawnee, the Department April 22, 1902, returned the papers to the Indian Office and directed that an investigation be had and recommendation made in regard to the Oklahoma allotment, and as to the rights of the applicants in the Creek Nation. A Copy of the report of the Indian Office of August 23, 1902, is inclosed, together with the testimony in the case and other papers attached thereto, and the argument by the nation's attorney.

It is desired that a careful examination be entered into in connection with the facts shown by said report, which were not clearly shown to you when your decision was rendered, as to all the features of this case, especially as to whether the names of the applicants on the 1890 roll were placed there without authority of law, and as to whether the action of the Council in 1895 did not decitizenize the applicants, giving the Department full information on this point, and that the Department be furnished explicitly your views in the matter. If you deem it necessary, further testimony may be taken.

-3-

Allow the attorneys for the nation and the applicants opportunity  
to be heard.

Respectfully,

Thos. Ryan.

Acting Secretary.  
EAD.

3 inclosures.

COPY

Creek Enrollment  
Case No. 56.

Muskogee, Indian Territory, October 2, 1902.

Willie Smith,

Bearden, Indian Territory.

Dear Madam:

In the matter of the application made by you for the enrollment of yourself and your four minor children, Annie, Bessie, Joseph B. and Guy Smith, as citizens of the Creek Nation, the Department, under date of September 22, 1902, has asked that a careful examination be made "as to all the features of this case, especially as to whether the names of the applicants on the 1890 roll were placed there without authority of law, and as to whether the action of Council in 1895 did not decitizenize the applicants", and report made thereof.

You are advised that you will be allowed thirty days from the date hereof to submit such testimony as you may desire and take such further action in the premises as you may deem necessary relative to the information desired by the Department.

Respectfully,

Creek-56.

Registered.

TAMM BIXBY

Acting Chairman.

COPY

Creek Enrollment  
Case No. 86.

Muskogee, Indian Territory, October 8, 1902.

A. P. McKelley, Esq.,

H. C. Reed, Esq.,

Attorneys for Creek Nation,

Muskogee, Indian Territory.

Gentlemen:

In the matter of the application of Millie Smith for the enrollment of herself and her four minor children, Annie, Bessie, Joseph B. and Guy Smith, as citizens of the Creek Nation, the Department, under date of September 22, 1902, has asked that a careful examination be made "as to all the features of the case, especially as to whether the names of the applicants on the 1890 roll were placed there without authority of law, and as to whether the action of Council in 1895 did not decitizenize the applicants", and report made thereof.

You are advised that you will be allowed thirty days from the date hereof to submit such testimony as you may desire and take such further action in the premises as you may deem necessary relative to the information desired by the Department.

Respectfully,

Creek-86.

TAMM BERRY

Acting Chairman.

COPY

Creek Enrollment  
Case No. 86.

Muskogee, Indian Territory, October 2, 1902.

Jesse Hill, Esq.,

Attorney for Millie Smith et al.,

Muskogee, Indian Territory.

Dear Sir:

In the matter of the application of Millie Smith for the enrollment of herself and her four minor children, Annie, Bessie, Joseph B. and Guy Smith, as citizens of the Creek Nation, the Department, under date of September 22, 1902, has asked that a careful examination be made "as to all the features of this case, especially as to whether the names of the applicants on the 1890 roll were placed there without authority of law, and as to whether the action of Council in 1895 did not decitizenize the applicants", and report made thereof.

You are advised that you will be allowed thirty days from the date hereof to submit such testimony as you may desire and take such further action in the premises as you may deem necessary relative to the information desired by the Department.

Respectfully,

Creek-86.

TAMM RIXBY

Acting Chairman.

Creek Enrollment  
Case No. 56.

Wahkegee, Indian Territory, November 15, 1902.

The Honorable,

The Secretary of the Interior.

Sir:

The Commission is in receipt of Departmental letter of September 22, 1902 (I.T.D. 5270 & 631-1902), together with report of the Commissioner of Indian Affairs of August 22, 1902, in the matter of the application of Millie Smith for the enrollment of herself and her four minor children, Annie, Bessie, Joseph B. and Guy Smith, as citizens of the Creek Nation, requesting that a careful examination be entered into in connection with the facts shown by said report of the Commissioner of Indian Affairs as to all the features of this case, especially as to whether the names of the applicants were placed on the 1890 roll without authority of law and as to whether the action of the Council in 1895 did not decitizenize the applicants, giving the Department full information on this point, and that the Department be furnished explicitly the views of the Commission in this matter. The Commission was advised that, if it thought necessary, further testimony might be taken, allowing the attorneys for the nation and for the applicants opportunity to be heard.

The Commission has the honor to report, that it did, on October 2, 1902, notify applicants, their attorney of record and the attorneys for the Creek Nation, that they would be allowed thirty days to submit such testimony as might be offered by or on behalf of the applicants and the Creek Nation, relative to the information desired by the Department. The attorney for applicants appeared and notified the Commission that no further testimony on the part of said applicants would be offered. The attorneys for the Creek Nation did not appear. No testimony whatever was offered.

The Commission has the honor to further report, that the names of the applicants, Millie Smith and two daughters, Annie and Bessie Smith, are found on the authenticated Creek 1890 roll, and that there is no evidence whatever that those names were placed on said roll without authority of law; that it appears, that Louise Olden, mother, Agnes, Osborn, Ellen, Douglas and John Olden, maternal half-brothers and sisters of the applicant, Millie Smith, have been regularly enrolled as citizens of the Creek Nation and that there has never been any question as to their citizenship; that it appears, that the only reason why said Millie Smith and her children were placed on the doubtful roll was that said Millie Smith had taken an allotment in the Shawnee country. It appears that in 1895, prior to the making of the 1895 Creek roll, the question of the citizenship of said Millie Smith and her children was under consideration by the "Committee of Eighteen", whose duty it was to



report to the National Council of the Creek Nation such names as they considered entitled to be placed on the Creek roll; that this committee reported favorably the names of said Millie Smith and her children, but when the Council took action in the matter, objection was made by some member thereof on the ground that said Millie Smith had been allotted lands in the Shawnee country, and said Council did, on June 7, 1895, pass the following resolution: "Be it resolved by the National Council of the Muskogee Nation, that the names of Nellie, Annie, Barney, Hustler and Booker Smith be, and the same are hereby erased from the rolls of the Little River Tulsa town, and placed on the doubtful list"; that there was created by act of the Creek Council a commission known as the "Colbert Citizenship Commission", the duty of which was to pass on the citizenship of such, whose names were placed on what was called the "Doubtful List" by action of the Creek Council; that this commission did not consider or act on the citizenship of any person whose name appeared on such doubtful list, unless the matter was presented to them by the persons themselves or by some one representing them; that it appears, Millie Smith did not, nor any one for her, present to this commission the matter of her and her children's citizenship, and that the authority of said commission to act was abolished by act of Congress of June 10, 1896, and nothing whatever was done further than the act of the Council above referred to, touching the citizenship of those people; that it further appears, that said Millie Smith had taken her deceased father's allotment in the Shawnee country,

believing at the time that she was entitled thereto by reason of inheritance and not otherwise, and that it further appears, that at the time said allotment in the Shawnee country was set aside to said Millie Smith, she had three children, Annie, Bessie and Joseph B., who were old enough to take allotments in the Shawnee country, but did not, nor is there any record of any attempt to have Shawnee allotments made to these children.

The Commission believes that the resolution of Council, passed June 7, 1895, does not decitizenize applicants, and that the record does not warrant a readjudication of the matter, and respectfully recommends that the original decision of the Commission in this case, rendered May 5, 1900, be approved.

The original papers in the case, to which have been attached copies of Departmental letter of September 22, 1902, and Commissioner of Indian Affairs' report of August 22, 1902, and copies of the notices sent to Millie Smith, her attorney and the attorneys for the Creek Nation, dated October 2, 1902, together with registry receipt from said Millie Smith, are herewith returned for Departmental consideration.

Respectfully,

\_\_\_\_\_  
Acting Chairman.

Through the Commissioner

of Indian Affairs.

\_\_\_\_\_  
Commissioner.

OCH-168.

\_\_\_\_\_  
Commissioner.

Copy.

Refer in reply to the  
following:  
Land  
69616--1902.

DEPARTMENT OF THE INTERIOR,  
Office of Indian Affairs,

Washington, Dec. 6, 1902.

The Honorable,  
The Secretary of the Interior.

Sir:

Referring to Department letter of September 22, 1902 (I.T.D. 5270 and 631), returning to the Commission to the Five Civilized Tribes the record in the case of Millie Smith, et al., involving the right of the applicants to be enrolled as citizens of the Creek Nation, and directing the Commission to re-examine the case in connection with the facts shown by office report of August 22, 1902, there is enclosed herewith a report from the Commission returning the record in this case.

The Commission states that in its opinion the resolution of the Creek Council passed on June 7, 1895, does not de-citizenize the applicants; that the record does not warrant a readjudication of the matter and recommends that the Commission's original decision of May 5, 1900, be approved.

The Commission, in its decision of May 5, 1900, held that the applicants were entitled to enrollment. On January 29 and August 22, 1902, the office recommended the approval of the Commission's decision. No additional testimony has been taken in the case, neither has the Commission readjudicated

the same, and as the views of this office are fully set forth in these reports it is thought unnecessary to further discuss the case.

Very respectfully,

W. A. Jones,

Commissioner.

G.A.W.  
S.

J.P. W

DEPARTMENT OF THE INTERIOR.

THE

WASHINGTON.

T.T.D. 631,8370,7523-1902.

December 10, 1902.

188

Commission to the Five Civilized Tribes,  
Muskogee, Indian Territory.

Gentlemen:

April 22, 1902, the Department returned to you for further investigation, the papers in the matter of the application of Millie Smith for the enrollment of herself and her minor children, Annie, Bessie, Joseph B., and Guy Smith, as citizens of the Creek Nation, calling your attention to the fact that Millie Smith had been allotted lands in Oklahoma as an absentee Shawnee. It was reported by the Indian Office that there was allotted to her in Oklahoma in 1874, the E/2 of the NE/4 of SE/4 of section 36, T 10, R 6 - 80 acres, and to her father the E/2 of the NW/4 of section 36, T 11, R 2 - 80 acres; that in 1890, an agreement was concluded with the Absentee Shawnees by which the allotments of land theretofore made, and then being made to said Indians under the Act of February 8, 1887, and under existing instructions, were to be confirmed (See 26 Stat., 1021); that

April 14, 1891, Special Agent Porter and Agent Patrick submitted a schedule of allotments made to 363 Absentee Shawnees; that this schedule of allotments shows that the following described lands were allotted to Millie Smith:

SW/4 of NE/4; and E/2 of NW/4, section 36, T 11, R 2 - 120 acres;

W/2 of NW/4 of NE/4, section 36, T 11, R 2 - 20 acres;

E/2 of NE/4 of SE/4, section 36, T 10, R 3 - 20 acres,

making in all, 160 acres; that the age of Millie Smith on this schedule is given as 27 years; that on the 1875 schedule her age is shown as 12 years; that in 1887 Special Agent Porter and Agent Neal affected arrangements with Millie Smith, whereby she was to relinquish the land allotted to her and on which Shawneetown was then situated, and take the land formerly allotted to her father; that on May 18, 1891, Special Agent Porter reported that the land claimed by Millie Smith had been set aside in 1887 for the use of the United States for Agency purposes; that on the land was erected a government physician's office and residence, stores, etc., and he stated that the reservation of this land was a necessity for the good of the Indian service; that the attorneys for Millie Smith on July 10, 1891, submitted her affidavit that she had never in any manner relinquished, given up or



assigned her rights to the land allotted her in 1875; that she never authorized Special Agent Porter to allot her other lands in lieu of said allotment, and that she had always desired that the forty acres be included in her allotment; that she asked that the whole forty acres be allotted to her, but requested that in any event, the original twenty acres be included in her allotment then to be made to her; that on September 16, 1891, the Department approved the schedule of allotments made by Special Agent Porter and Agent Patrick; that Millie Smith stated in her testimony before you that she was willing to relinquish her allotment in Oklahoma, but this she cannot do for the reason that her entire allotment has, with the consent of the Department, been disposed of, the deeds conveying the allotment having been approved by the Department October 23, 1895, and October 20, 1900; that one deed conveying part of her allotment was approved subsequent to her testimony before you, of May 5, 1900, in which she stated that she would be willing to relinquish her allotment in Oklahoma; that apparently there would be no question relative to the right of Millie Smith and her said children to enrollment as citizens of the Creek Nation if it were not for the fact that she took an allotment of land in Oklahoma as an Absentee Shawnee; that,



however, considering the fact that Millie Smith and said children have heretofore been recognized as citizens of the Creek Nation, said applicants should be enrolled as citizens of that Nation.

It appears that the names of the applicant and two of her children, are found on the authenticated roll of the Creek Nation of 1890, and you state in the report of November 15, 1902, that there is no evidence whatever that these names were placed on said roll without authority of law; that in 1895, prior to the making of the 1895 Creek roll, the question of the citizenship of said Millie Smith and her children was under consideration by the "Committee of Eighteen", whose duty it was to report to the National Council of the Creek Nation such names as they considered entitled to be placed on the Creek roll; that this committee reported favorably the names of said Millie Smith and her children, but when the Council took action in the matter, objection was made by some member thereof on the ground that said Millie Smith had been allotted lands in the Shawnee country, and the Council, on June 7, 1895, passed a resolution

"That the names of Nellie, Annie, Barney, Hustler and Booker Smith be, and the same are hereby erased from the rolls of the Little River Tulsa town, and placed on the doubtful list;"

that there was created by act of the Council, a commission known as the "Colbert Citizenship Commission", the duty of which was to pass upon the citizenship of those whose names were placed on what was called the "Doubtful List;" that this Commission did not consider or act on the citizenship of any person whose name appeared on such list, unless the matter was presented to them by the persons themselves or by some one representing them; that it appears that Millie Smith did not, nor any one for her, present to this commission the matter of her claim for citizenship; that at the time the allotment in the Shawnee country was set aside to Millie Smith, she had three children, Annie, Bessie and Joseph E., who were old enough to take allotments in the Shawnee country, but did not, nor is there any record of any attempt to have Shawnee allotments made to these children.

You adhere to your former decision in favor of the applicants, stating that you believe that the resolution of the Council passed June 7, 1895, did not decitizenize any of the applicants. In your view of the matter the Acting

Commissioner of Indian Affairs concurs in his report of August 23, 1902.

The Nation protests against the enrollment of the applicants, as they are of African descent, and, referred to that portion of the act of June 28, 1898 (30 Stat., 495), which directs your commission to enroll all persons now living whose names are found upon the J. W. Dunn roll, and all descendants born since the date of said roll to persons whose names are found thereon, with such other persons of African descent as may have been rightfully admitted by the lawful authorities of the Creek Nation, and contends that it is incumbent upon the applicants to show that their citizenship has been determined by some lawfully constituted authority of the Creek Nation, prior to the time they were enrolled.

The Department considers that it was your duty to ascertain if the applicants are or are not entitled to enrollment, and that their names appearing on the 1890 roll, in the absence of any evidence that they were placed there by fraud or without authority of law, they are entitled to

-7-

enrollment. Your decision is therefore hereby affirmed.

A copy of the Acting Commissioner's letter of December 8, 1902, is inclosed.

Respectfully,

Thos. Ryan

Acting Secretary.

1 inclosure.

C O P Y

Creek Enrollment  
Case No. 56.

Muskogee, Indian Territory, December 22, 1902.

Millie Smith,

Bearden, Indian Territory.

Dear Madam:

You are hereby advised that the Secretary of the Interior under date of December 10, 1902, affirmed the decision of the Commission, dated May 3, 1900, enrolling yourself and your four minor children, Annie, Bessie, Joseph B. and Guy Smith, as citizens of the Creek Nation.

Respectfully,

Acting Chairman.

Registered.

Creek Enrollment  
Case No. 95.

Muskogee, Indian Territory, December 22, 1902.

Jesse Hill, Esq.,

Attorney for Millie Smith,

Muskogee, Indian Territory.

Dear Sir:

You are hereby advised that the Secretary of the Interior, under date of December 10, 1902, affirmed the decision of the Commission, dated May 5, 1900, enrolling Millie Smith and her four minor children, Annie, Bessie, Joseph B., and Guy Smith, as citizens of the Creek Nation.

Respectfully,

Acting Chairman.

Copy

Creek Enrollment  
Case No. 56.

Muskogee, Indian Territory, December 22, 1902.

A. P. McKellop, Esq.,

H. G. Beed, Esq.,

Attorneys for the Creek Nation,

Muskogee, Indian Territory.

Gentlemen:

You are hereby advised that the Secretary of the Interior, under date of December 10, 1902, affirmed the decision of the Commission, dated May 5, 1900, enrolling Millie Smith and her four minor children, Annie, Bessie, Joseph B., and Guy Smith, as citizens of the Creek Nation.

Respectfully,

Acting Chairman.



COMMISSIONERS

HENRY L. DAWES.  
TAMM BIXBY,  
THOMAS B. NEEDLES,  
C. R. BRECKINRIDGE

ALLISON L. AYLESWORTH,  
SECRETARY

DEPARTMENT OF THE INTERIOR,

COMMISSION TO THE FIVE CIVILIZED TRIBES.

ADDRESS ONLY THE  
COMMISSION TO THE FIVE CIVILIZED TRIBES

Muskogee, Indian Territory, \_\_\_\_\_, 1902.

Received on this date from the Commission to the Five  
Civilized Tribes a copy of the record of proceedings in the matter  
of the application of Millie Smith et al. for enrollment as  
citizens of the Creek Nation.

*A. M. Kece*

Attorney for Creek Nation.

Creek No. 56.

CR EN 57

CR EN 57

DEPARTMENT OF THE INTERIOR.  
COMMISSION TO THE FIVE CIVILIZED TRIBES.  
MUSCOGEE, I. T., JUNE 6th, 1900.

IN THE MATTER OF THE APPLICATION OF Charles Powell, for enrollment as a citizen of the Creek Nation, and Charles Powell being sworn by Commissioner, T. B. Needles, testified as follows:

- Q. What is your name? A. Charles Powell.  
Q. How old are you? A. Twenty-three (23).  
Q. What Indian town do you belong to? A. Tulwathlocco.  
Q. What is your Postoffice address? A. Senora, I. T.  
Q. How long have you lived in the Creek Nation? A. All my life.  
Q. What is the name of your father? A. Washington Powell.  
Q. Is he now living? A. No sir.  
Q. How long ago did he die? A. About six years ago.  
Q. Was he a citizen of the Muscogee Nation? A. Yes sir.  
Q. Was he a full blood Creek Indian? A. Yes sir.  
Q. What is the name of your mother? A. Susie Powell.  
Q. Is she now living? A. No sir, she died a long time ago.  
Q. Died when you were a little boy? A. Yes sir.  
Q. You do not know much about your mother then? A. I know when she died.  
Q. How long ago was that? A. Ten years ago.  
Q. Was she a citizen of the Creek Nation? A. She used to be, but was transferred.  
Q. To what Nation? A. To the Seminole Nation.  
Q. How do you know she was a full blood Creek Indian?  
A. I know by what other people have told me.  
Q. Did you ever appear before the Dawes Commission before for enrollment as a citizen of the Seminole Nation? A. No sir.  
Q. Did you not go to Wewoka to be enrolled as a citizen of the Seminole Nation? A. No sir, never did go there.  
Q. Did you ever have any one go there to enroll you? A. No sir.  
Q. It appears that you and your wife, Nancy Powell and sister, Martha Canard, and her child, Willie Canard were all enrolled on Seminole Card #481; how do you account for that? This was done by the Dawes Commission at Wewoka?  
A. This is the first time I was ever before the Dawes Commission.  
Q. Did you ever draw any money in the Seminole Nation? A. Yes sir.  
Q. How many times did you draw from the Seminole Nation?  
A. I do not know.  
Q. Did you draw when the \$60.00 payment was made? A. Yes sir.  
Q. Did you draw in 1897? A. I think I drew it.  
Q. Do you know what band you belonged to there; what Seminole Band; did you not belong to Thomas Little Band? A. Yes sir.  
Q. Did you draw money from the Creek Nation in 1890, when the twenty-nine (\$29.00) payment was made; did you or your father draw money from the Creek Nation when the twenty-nine (\$29.00) payment was made?  
A. I think my father drew it.  
Q. Did you draw the \$14.40 from the Creek Nation in 1895?  
A. I do not know.  
Q. If you got \$14.40 from the Creek Nation five years ago, would you not be likely to know? A. It is on the books, some where.  
Q. As a matter of fact, you and the other members of your family were dropped from the Creek Rolls in 1895, and they refused to give you money; how do you account for that? A. There was a law about that time that barred me from drawing the \$14.40.  
Q. You make application here for ~~xxx~~ enrollment as a citizen of the Creek Nation, on the grounds that your father and mother were full blood Creek Indians? A. Yes sir.

In the matter of the application of Charles Powell, for enrollment as a citizen of the Creek Nation, and Watley Downing, being sworn by Commissioner, T. B. Needles, testified as follows: through interpreter, J. H. Lynch.

- Q. What is your name? A. Watley Downing.  
 Q. How old are you? A. Some where between 58 and 60.  
 Q. What town do you belong to? A. Tulwathlocco.  
 Q. What is your Postoffice address? A. Wildcat, I. T.  
 Q. Are you a full blood Creek Indian? A. Yes sir.  
 Q. Have you ever held any official position in the Creek Nation?  
 A. Yes, sir.  
 Q. What positions have you held? A. I was a member of the house of warriors about twelve years; I was also prosecuting attorney about four years.  
 Q. Do you know the applicant, Charles Powell? A. Yes sir.  
 Q. How long have you known him? A. Ever since he was born.  
 Q. Did you know his father, Washington Powell? A. Yes sir.  
 Q. Was he a full blood Creek Indian? A. Yes sir.  
 Q. Did you know the mother of Charles Powell? A. Yes sir.  
 Q. What was his mother's name? A. Susie Powell.  
 Q. Was she a full blood Creek Indian? A. Yes sir.  
 Q. Do you know how long ago she died? A. I do not know. She died before Washington Powell.  
 Q. About how long ago did Washington Powell die? A. Six, seven or eight years ago.  
 Q. It appears that the members of the Powell family were placed upon the rolls of the Seminole Nation; do you know how to account for that?  
 Q. They drew part of the time in the Seminole Nation and part of the time in the Creek Nation.  
 Q. Were you a member of the house of warriors in 1895? A. I was not.  
 Q. It appears that they (the Powells) were dropped from the rolls in 1895 by the Creek Nation, do you know how to account for that?  
 Q. It was the habit of this family to go from one Nation to another; they did that a number of times; it seems they would get on the rolls of the Seminole Nation when a payment was to be made and make application to withdraw from the Creek Nation, and they would do the same way with the Seminole Nation when a payment was to be made in the Creek Nation and the Creek Nation finally decided to drop them.  
 Q. Do you know what town Susie Powell belonged to? A. Howesgee. Personally, I do not know anything about this, I am just telling what has been told me by older persons.  
 Q. Do you regard this Charles Powell as a citizen of the Creek Nation? A. I regard him as a citizen of the Creek Nation by blood, and he is enrolled in the Seminole Nation.

Jesse Davis, being sworn by Commissioner, T. B. Needles, testified in the above entitled case through interpreter J. H. Lynch as follows:

- Q. What is your name? A. Jesse Davis.  
 Q. How old are you? A. Fifty seven (57)  
 Q. Are you a full blood Creek Indian? A. Yes sir.  
 Q. Have you ever held any official position in the Creek Nation?  
 A. No sir.  
 Q. Do you know the applicant, Charles Powell? A. Yes sir.  
 Q. How long have you known him? A. A. Long time.  
 Q. Did you know Charles Powell's father? A. Yes sir.  
 Q. What is his name? A. Washington Powell.  
 Q. Was he a full blood Creek Indian? A. Yes sir.  
 Q. Did you know Charles Powell's mother? A. Yes sir.  
 Q. What is her name? A. Susie Powell.  
 Q. Was she a full blood Creek Indian? A. Yes sir.  
 Q. Has Charles Powell always resided in the Creek Nation? A. Yes sir.  
 Q. Do you know how it happened that the members of the Powell family all got on the Seminole Rolls? A. No sir.

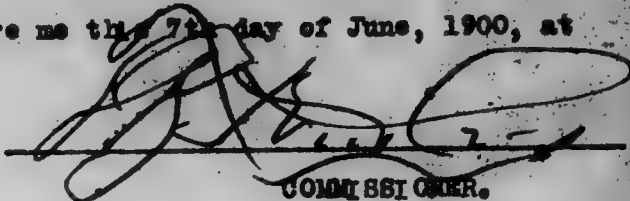
Q. Do you know anything about the payments made to Charles Frazier by the Creek Nation? A. Yes sir.

Q. Do you know why Charles Frazier was dropped from the Creek Nation in 1888? A. No sir.

R. R. Cravens, being first duly sworn, says that as stenographer to the Commission to the Five Civilized Tribes, he reported the testimony of the foregoing witnesses and that the foregoing testimony is a true and complete transcript of his short hand notes in the above case.

R. R. Cravens

Sworn to and subscribed before me this 7th day of June, 1900, at Muskogee, Indian Territory.

  
COMMISSIONER.

(c)

DEPARTMENT OF THE INTERIOR.  
COMMISSION TO THE FIVE CIVILIZED TRIBES,  
WVOKA, I. T., AUGUST 18, 1900.

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In the matter of the application

Of Charles Powell,  
For enrollment as a citizen of  
The Creek Nation.

James Johnson, interpreter.

Watty Hully, being first duly sworn, testified as follows:

- Q What is your name? A Watty Hully.
- Q Are you an officer of the Thomas Little Band of the Seminole Nation? A I am.
- Q Do you know Charles Powell? A Yes sir.
- Q Is he a member of the Thomas Little Band of the Seminole Nation? A Yes sir.
- Q How long has his name been on the Thomas Little Roll, if you know? A A good many years.
- Q Has he drawn his head-right money in the Seminole-Nation every time that the Seminoles have had a payment?
- A Yes sir, have drew that money every year, and not long ago his sister was down here
- Q Do you know the mother of Charles Powell? A Do not know much about her because died long ago.
- Q What was her name? A Have not the names on this book, but has them on the old book.
- Q Do you know whether or not her name was Betsey Powell?
- A I think it is.
- Q Was she a Seminole Indian by blood? A Yes sir.
- Q Do you know whether or not she was ever recognized by the the Creek Nation as a citizen? A They wanted to be adopted as citizens of the Creek Nation, but they would not let them do it.
- Q Well, was Betsey Powell a citizen by blood of the Creek Nation? A No sir.
- Q On what ground did they expect to be adopted into the Creek Nation? A They were living in the Creek Nation and they wanted to own the land up in there, and wanted to be adopted as citizens there.
- Q Are you certain as to what was the correct name of Charlie Powell's mother? A Do not have much idea about it, saw her long ago and I was not an officer then.
- Q Do you know who Charlie Powell's father was? A Yes sir.
- Q What was his name? Q Washington Powell.
- Q Was he a citizen of the Seminole Nation? A He was a citizen long ago, and was transferred into the Creek Nation.
- Q Then he was not a Creek citizen by blood? A I do not know much about it.
- Q Was he on the Seminole rolls before the transfer over into the Creek Nation? A Yes sir, they were on the rolls. He drew the head-right, and there was two brothers living then.
- Q What band of the Seminoles did Washington Powell belong to?
- Q Thomas Little.
- Q Is that other brother living now? A Both dead.
- Q Was the brother, George Powell on the Creek rolls when he died, or on the Seminole rolls? A They were both adopted as citizens of the Creek Nation when they died.



[REDACTED]

RECEIVED THE OFFICE OF THE SECRETARY OF THE ARMY

Washington, D.C.

[Signature]

Acting Secretary



DEPARTMENT OF THE INTERIOR.  
COMMISSION TO THE FIVE CIVILIZED TRIBES.

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.....  
In the matter of the application of  
Charles Powell  
for enrollment as a citizen of  
the Creek Nation.  
.....

The name of the applicant appears upon the authenticated 1890 Roll of the Creek Nation, Page 187, Tulwathlooca Town, as Charley Powell, with other members of the family of his father, Wash Powell, a citizen of the Creek Nation. Said roll was made preparatory to, and as a basis for, the per capita payment of \$29.00 made by the Creek Nation in 1891. The name of Charles Powell, the applicant, does not appear upon any authenticated roll of the Creek Nation, in possession of this Commission, subsequent to 1890.

The testimony of the applicant is that there was a law about 1895 that barred him from drawing money (\$4.40) in the per capita payment of 1895, and the testimony of Watley Downing, a witness for applicant, is in part as follows:

"Q. It appears that they (the Powells) were dropped from the rolls in 1895 by the Creek Nation, do you know how to account for that?

"A. It was the habit of this family to go from one Nation to another; they did that a number of times; it seems they would get on the rolls of the Seminole Nation when a payment was to be made and make application to withdraw from the Creek Nation, and they would do the same way with the Seminole Nation and the Creek Nation finally decided to drop them."

The Census rolls of the Creek Nation were revised preparatory to, and as a basis for, the 1895 per capita payment by a committee of eighteen, composed of six members from the House of Kings and twelve members from the House of Warriors, in an ordinance of the Acts of the Creek Council approved May 15th, 1895, and May 17, 1895, in part as follows:

"That the fact alone that any person has at any time participated in the per capita distribution of any of the public moneys of the Muskogee Nation does not make of such a person a citizen of the Muskogee Nation, entitled to the rights and privileges of recognized citizens thereof and shall not by any authority of the Nation be accepted or construed as evidence and identically peremptory in establishing such claims.

"Be it further enacted: The Committee of 18 (18) appointed by act of extraordinary session of Council, approved May 15, 1895, to examine and correct the Census rolls of 1895, are hereby instructed and directed to entertain and consider any and all challenges and questions urged in good faith by any respectable citizen against the claim of any person to citizenship in this Nation, and strike them from the rolls and preserve a correct list of all the names so stricken out and report the same at the present session of the Council." (Session Laws, Creek Nation, 1895).

Charles Powell.

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From the testimony of the applicant and the witness, Downing, as above set forth, it is presumed as conclusive that the applicant, Charles Powell, was dropped from the Creek Roll in 1895 under the provisions of the act above quoted. It is the only act of the Creek Council to which he could refer when he states "there was a law about that time that barred me from drawing the \$14.40."

By Act, approved May 30, 1895, the Creek Council created a Citizenship Commission in which act it is provided:

"That all persons who shall appear before the Commission claiming citizenship in the Muskogee Nation, and all others whose names now appear as citizens on any of the census rolls taken at any time, or on any of the public records of the Nation, the validity of whose citizenship shall in good faith be questioned by any responsible citizen, shall be plaintiff and entitled to the right of counsel and to all the rights usual and incident to the trial of a cause in a court of justice in this Nation.

\* \* \* \* And when any case shall be decided in favor of any person by the Commission the plaintiff shall, or afterwards be a full citizen and accorded all the rights of any other citizen. And in any consideration hereafter to be made of the citizens of the Nation, any person applying for re-admission, or whose citizenship any question may arise, shall be required to trace his or her origin in to the rolls of the Nation, or citizens to be prepared under this act." (Session Laws, Creek Nation, 1895).

The records of said Citizenship Commission are only called the Colbert Citizenship Commission, which are now in the possession of this Commission, have been examined and find that it does not appear that Charles Powell made application to said Colbert Citizenship Commission for reinstatement upon the rolls of the Creek Nation, or that said Commission was in session as late as September, 1896.

to the Neither does it appear that he made application to the <sup>Commission</sup> Five Civilized Tribes for admission to citizenship in the Creek Nation under the act of June 10, 1896.

On the contrary, it is shown by the testimony of Matty Hully, an officer of the Thomas Little Band, of the Seminole Nation, that applicant has been upon the Seminole roll for years in that he has drawn his head-dollars in the Seminole Nation every time the Seminoles have been paid. The records of the Seminole Nation, in connection with this Commission, show that the applicant, Charles Powell, was duly recognized as a citizen of the Seminole Nation and participated in the annuity payments of 1897, 1898 and 1897 (See Seminole Pay rolls: 1897, page 31; 1898, page 180; 1897, page 190). It also appears from the evidence offered satisfactorily that the mother of Charles Powell was a Seminole Indian by blood and that she was not a citizen by blood of the Creek Nation.

It is the judgment of this Commission that Charles Powell, having failed to present his claim to ~~the~~ Creek citizenship to the only authorized authorities of the Creek Nation under the Act of Creek Council, approved May 17, 1895, or to this Commission under the Act of Congress of June 10, 1896, cannot now be recognized as a citizen of the Creek Nation. That his application for enrollment as a citizen of said Nation be, and the same is hereby denied; that he be enrolled as a citizen of the Seminole Nation and that his name remain on Seminole Band, Field No. 422 to be transferred to the final Seminole roll.

THE COMMISSIONERS OF THE FIVE CIVILIZED TRIBES.

Dated at Muskogee, P. M., Sept. 10, 1900.  
day of Sept. 1900.

Acting Chairman.  
Commissioner.

C. H. McAdams  
Commissioner.

(COPY)

Muskegee, Indian Territory, January 17, 1902.

The Honorable,

The Secretary of the Interior.

Sir:

There is herewith transmitted the record of proceedings in the matter of the application of Charles Powell for the enrollment of himself as a citizen of the Creek Nation, including the decision of the Commission, dated September 4, 1900, denying said application.

Respectfully,

T.B.Needles.

Commissioner in charge.

1 enclosure  
Creek 57.

Through the Commissioner  
of Indian Affairs.

(COPY)

Muskogee, Indian Territory, January 17, 1908.

Charles Powell,

Senora, Indian Territory.

Dear Sir:

There is herewith enclosed a copy of the decision of the Commission to the Five Civilized Tribes in the matter of the application made by you for the enrollment of yourself as a citizen of the Creek Nation.

The decision, with a copy of the proceedings had in the case, is this day transmitted to the Secretary of the Interior for his review and decision. The final decision of the Secretary will be made known to you as soon as the Commission is informed of the same.

Yours truly,

T.B.Needles.

Commissioner in charge.

1 enclosure CR-57.  
Registered.

(COPY)

Muskogee, Indian Territory, January 17, 1902.

A. P. McKellop, Esq.,

H. C. Reed, Esq.,

Attorneys for Creek Nation,

Muskogee, Indian Territory.

Gentlemen:

There is herewith enclosed a copy of the decision of the Commission to the Five Civilized Tribes in the matter of the application for the enrollment of Charles Powell as a citizen of the Creek Nation.

The decision, with a copy of the proceedings had in the case, is this day transmitted to the Secretary of the Interior for his review and decision. The final decision of the Secretary will be made known to you as soon as the Commission is informed of the same.

Yours truly,

T.B. Needles.

Commissioner in charge.

1 enclosure MAR-87.  
Registered.

(COPY)

Refer in reply to the following:

Land.  
4005-1902.

Department of the Interior,  
Office of Indian Affairs,  
Washington, February 7, 1902.

The Honorable

The Secretary of the Interior.

Sir:

There is transmitted herewith a report from the Commission to the Five Civilized Tribes dated January 17, 1902, forwarding for the Department's consideration the record relative to the application of Charles Powell for enrollment as a citizen of the Creek Nation. The Commission's general report relative to this and other cases was submitted to the Department with office report of January 29, last.

September 4, 1900, the Commission found that the applicant had failed to present his claim to Creek citizenship to the duly authorized authorities of the Creek Nation under the act of the National Council approved May 17, 1895, or to the Commission to the Five Civilized Tribes under the provisions of the act of June 10, 1896, and could not therefore be recognized as a Creek citizen. They further found that this applicant was entitled to enrollment as a citizen of the Seminole Nation and his name appears on the Seminole Roll approved by the Department April 2, 1901, at number 1612.

The record in this case shows that the Powell family had been recognized as citizens of the Creek Nation; that they were

dropped from the rolls of said nation in 1895; it also appears that the mother of the applicant was a Creek Indian. Inasmuch, however, as the Commission has already enrolled the applicant as a Seminole, it is respectfully recommended the the Commission's decision be approved.

Very respectfully,

Your obedient servant,

W. A. Jones,

Commissioner.

GAW  
D



87  
(COPY)

D.C.No.2246-1902.

9609.

T.P.  
F.

L. R. S.

Department of the Interior.  
Washington.

I.T.D. 935-1902.

February 11, 1902.

Commission to the Five Civilized Tribes,  
Muskogee, I. T.

Gentlemen:

February 7, 1902, the Commissioner of Indian Affairs transmitted the memorandum made by you in the case of Charles Powell for enrollment as a Creek citizen by blood.

It appears that Powell and the other members of the family of his father were on the 1890 authenticated roll of the Creek Nation; that his name does not appear upon any of the authenticated rolls of that nation subsequent to 1890; that he was dropped from the rolls in 1895 by the Creek Nation. It does not appear that he made application for reinstatement upon the rolls but, on the contrary, it is shown that he has been upon the Seminole roll for years and has drawn "head-right money" in that nation every time the Seminoles have had a payment. It appears that he was duly recognized as a citizen of the Seminole Nation and participated in the annuity payments of 1895, 1896 and 1897. Apparently his mother is a Seminole by blood and not a citizen of the Creek Nation.

September 4, 1900, you rejected the application,

holding that Powell having failed to present his claim to Creek citizenship to the duly authorized authorities of the Creek Nation under the act of the Creek Council approved May 17, 1895, or to your Commission under the act of June 10, 1896 (29 Stat., 81), cannot now be recognized as a citizen of the Creek Nation.

The Commissioner of Indian Affairs reports that Powell's name is found on the Seminole roll approved by the Department April 2, 1901, at No. 1612, and he recommends that your decision be affirmed. Copy of his letter is inclosed.

The Department finds no reason to disturb your decision and it is approved.

Respectfully,

Thos. Ryan,

Acting Secretary.

EMD.

1 inclosure.

COMMISSIONERS:  
HENRY L. DAWES,  
TAMM DIXBY,  
THOMAS B. NEEDLES,  
C. R. BRACKINRIDGE.

ALLISON L. AYLESWORTH,  
SECRETARY.

DEPARTMENT OF THE INTERIOR,  
COMMISSION TO THE FIVE CIVILIZED TRIBES.

(COPY)

ALL INFORMATION CONTAINED  
HEREIN IS UNCLASSIFIED

Muskogee, Indian Territory, February 18, 1903.

Charles Powell,

Senora, Indian Territory.

Dear Sir:

You are hereby advised that the Secretary of the Interior, under date of February 11, 1903, affirmed the decision of the Commission, dated September 4, 1900, denying the application made by you for the enrollment of yourself as a citizen of the Creek Nation.

Yours truly,

T.B.Needles.

Commissioner in Charge.

COMMISSIONERS:  
HENRY L. DAWES,  
TAMM BIXBY,  
THOMAS B. NEEDLES,  
C. R. BRECKINRIDGE.

ALLISON L. AYLESWORTH  
SECRETARY.

DEPARTMENT OF THE INTERIOR,  
COMMISSION TO THE FIVE CIVILIZED TRIBES.

(COPY)

RECEIVED ONLY THE  
COMMISSION TO THE FIVE CIVILIZED TRIBES

Muskogee, Indian Territory, February 18, 1902.

A. P. McKellop, Esq.,

H. C. Reed, Esq.,

Attorneys for Creek Nation,

Muskogee, Indian Territory.

Gentlemen:

You are hereby advised that the Secretary of the Interior, under date of February 11, 1902, affirmed the decision of the Commission, dated September 4, 1900, denying the application made by Charles Powell for the enrollment of himself as a citizen of the Creek Nation.

Yours truly,

T.B.Needles.

Commissioner in Charge.

CR EN 58

CR EN 58

DEPARTMENT OF THE INTERIOR,  
COMMISSION TO THE FIVE CIVILIZED TRIBES.  
MUSKOGEE LAND OFFICE, FEB. 20th, 1900.

IN THE MATTER OF the application of Lydia Frazier, nee Grayson, and three children, Jennie, Nannie and Legus Frazier, and three children of Hepsy Childs, Johnny, Isabel and Pearlle Childs, for enrollment as citizens of the Creek Nation.

LYDIA FRAZIER, being sworn by Commissioner T.B. Needles, and examined testified as follows:

(By Mr. Angel)

- Q How old are you? A About 34 I guess. I don't know my age.  
Q What town do you belong to? A North Fork.  
Q Have you any children? A Yes sir.  
Q Please name them? A Jennie, Annie and Legus.  
Q How old is Jennie? A Fourteen.  
Q How old is Annie? A She is 10 years old.  
Q How old is Legus? A 8.  
Q All living? A Yes sir.  
Q What was the name of your mother? A Lucinda Grayson.  
Q Is she now living? A No sir.  
Q How long has she been dead? A About 3 months, I reckon; I don't know how long.  
Q When did she die? A She died a little before Christmas.  
Q What is the name of your father? A Ben Grayson.  
Q Is he now living? A No sir, he is dead.  
Q How long has he been dead? A About 21 years, I reckon.  
Q Was your mother a citizen of the Creek Nation? A Yes sir.  
Q Where did she live during her life time? A She lived in the Creek Nation, and she lived in the Chickasaw Nation.  
Q Did you live with her? A Yes sir.  
Q Have you any brothers and sisters? A Yes sir.  
Q Give their names? A Sam Grayson.  
Q That is a brother? A Yes sir; Ben Grayson, Pattie Grayson is next the Ben Grayson, and Hepsy Grayson.  
Q That is all, is it? A All my full brothers and sisters; Robert Grayson is my half.  
Q Where do they live? A In Chickasaw.  
Q Do you live in the Chickasaw Nation? A I live there now, with my husband.  
Q How long have you lived there? A I don't know, how long it has been; I don't know how long; about 15 years.  
Q What is the name of your husband? A Gabe James.  
Q What is the name of the father of your three children?  
A Ike Frazier.  
Q Is he the father of all of your children?  
A No sir, he is the father of two of them; the oldest girl's father is named Henry.  
Q He is the father of Jennie? A Yes sir, she went by the name of Frazier; she didn't know anything about her father.  
Q He is the father of Jennie, and what is the other one? A Annie, Henry is the father of Jennie; Henry Colbert; Annie and Legus; their father is Ike Frazier.  
Q Was you married to Ike Frazier? A Yes sir.  
Q Married by a minister? A Yes sir.  
Q Was you married to Colbert? A ~~Yes sir~~ A No sir.  
Q Did you ever make application for enrollment as a citizen of the Chickasaw Nation? A No sir.  
Q Did the father of these children make application for enrollment of them as citizens of the Chickasaw Nation? A No sir, Jennie's father is dead; died when she was a little bit of a thing.  
Q Did you ever make application for enrollment as a citizen of the Chickasaw Nation? A No sir.

#2.

- Q Did you ever draw any money in the Choctaw or Chickasaw Nation?  
A No, I never.  
Q Did you or your husband ever draw any money for your children?  
A No sir.  
Q You also make application for enrollment of the three children of your sister, Hepsey. A Yes sir.  
Q Is Hepsey your full sister? A Yes sir.  
Q Is she dead? A Yes sir.  
Q Is the father of these children living? A Yes sir.  
Q Is he a Chickasaw citizen? A Yes sir, he is a Chickasaw.  
Q Are not the children living with him? A No sir, living with me. I am seeing after the children, them three.  
Q Who turned those three children over to you; did he? A Yes sir.  
Q Do you know whether or not they ever drew any money in the Chickasaw Nation? A They never has drawn any.  
Q They never made application for enrollment either? A No sir.  
Q Was the name of either your father or mother put on the Dunn roll?  
A I don't know.  
Q Were they ever enrolled as citizens of the Creek Nation?  
A I reckon they have; they drew money.  
Q How old are those three children of your sister, Hepsey?  
A John is 14; Isabel is 10 and little Pearlle she is three years old.  
Q Have you drawn the \$29 payment in 1890? A Yes sir.  
Q You got the 29 dollars did you? A Yes sir.  
Q Did you get it yourself? A No sir, my husband drew it.  
Q Your husband. A Yes sir.  
Q Who was your husband at that time? A Ike Frazier.  
Q Did you draw in the \$14 payment in 1895? A Yes sir.  
Q Did you draw also in the \$29 payment for any of your children?  
A I drew for two.  
Q What two? A Jennie and Nannie.  
Q Did Ike Frazier draw that too? A Yes sir.  
Q Did you draw for the children; of your sister? A No sir, her husband drew the \$29.  
Q Your husband drew for her? A Her husband.  
Q Did you draw the \$14 for your sister's children? A No sir Pilot or Dick Herod drew the money and sent to them.
- 

PATSY MC INTOSH, being sworn and examined, testified as follows:

- Q How old are you? A I don't know exactly; I think 56 or 7.  
Q Are you a citizen of the Creek Nation? A Yes sir.  
Q How did you become a citizen of the Creek Nation?  
A How I become a citizen of the Creek Nation? I was born in the Creek Nation.  
Q Was you on the Dunn roll? A I am on the Dunn roll sir.  
Q What town do you belong to? A Arkansas.  
Q Do you know the applicant her, Lydia Grayson? A Yes sir.  
Q How long have you known her? A Ever since she was a little girl; I don't know how long; since she was a small girl.  
Q Did you know her father and mother? A Yes sir, I knowed her father and mother.  
Q What was their names? A Ben Grayson and Lucinda Grayson; ben the father, and Lucinda the mother.  
Q Did Lydia have some brothers and sisters? A Yes sir.  
Q Did you know any of them? A I knowed the oldest but didn't know the youngest.  
Q What is the name of the oldest? A I know Sam, and I know Jim



#3. and knowed he, but didn't know the youngest ones; Jim is dead.  
 Q Then you identify Lydia here as the daughter of Ben and Lucinda Grayson? A Ben and Lucinda.  
 Q This is the first? A Yes sir, that's Ben Grayson's daughter, and Lucinda.  
 Q Was Ben Grayson a citizen of the Creek Nation? A Ye sir.  
 Q Do you know anything about his rights having ever been proved up before this Commission? A No sir, he has been dead.  
 Q Is Lucinda a citizen of the Creek Nation? A She is a citizen.  
 Q Do you know whether or not she ever appeared before this Commission? A No sir, I don't know whether she ever has or not.  
 Q She would be likely to if she had a good right?  
 A Yes sir, if she had been living.  
 Q She has been living up to the last three months.  
 A I don't know; I know she is a citizen.  
 Q Did they live here in the Creek Nation?  
 A Yes sir, the last time I seen them, in the Creek Nation.  
 Q When was the last time you saw them?  
 A I don't know; I couldn't tell; I seen them on Con Creek, North Fork; I don't know how long ago it has been I never kept any track of it.  
 Q Don't you know about how long, whether one or 10 years.  
 A Yes sir, 10 years; 10 or 11 years.  
 Q How long is it since you have seen them?  
 A I haven't since about 11 years.  
 Q Until this time here? A I haven't seen her since then.  
 Q Eleven years? A Yes sir.  
 Q And you are positive that is the one? A Ye sir.  
 Q Eleven years is a good long time? A Yes sir, a good long time, but that is the one.  
 Q Do you know whether or not she has got any children?  
 A No sir, I couldn't tell that.  
 Q Do you know her sister Hopsy? A No sir, they were the youngest ones; I didn't know them.  
 Q Did you ever know or hear of Ben or Lucinda's names being on the Dunn roll? A No sir, I never heard of them there.  
 Q Would you have been likely to if they had been there?  
 A I don't know whether I would or not, because the Dunn roll was never called up until the Daves Commission came; it was made and never was called up until they came; they went out and drew on books; the Dunn roll was never called up until this Daves Commission came.  
 Q All you know is you identify this woman as the daughter of Ben and Lucinda Grayson. A Yes sir.

-----  
 WILLIAM MC INTOSH, being sworn and examined, testified as follows:

Q Are you a citizen of the Creek Nation? A I ought to be.  
 Q What town do you belong to? A Arkansas town.  
 Q Do you know the applicant here, Lydia Grayson? A Yes sir.  
 Q You identify her as Lydia Grayson? A Yes sir.  
 Q Did you know her father and other? A Ye sir.  
 Q What were their names? A Ben and Sinda.  
 Q Ben and Lucinda Grayson? A Ye sir.  
 Q Was she a daughter of Ben and Lucinda Grayson? A I can't tell that; I want to state what I know about it. From what I can learn, I am satisfied she is the daughter of Lucinda Grayson.  
 Q You are not positive of what then?  
 A It is pretty hard for a man to be positive of other people's children; I wouldn't say positively I know anything about anybody's children; only my own, that is all, and hardly that.  
 Q Did you know Lydia's husband? A No sir.  
 Q Did you ever know any of her husbands? A No sir.

- Q Do you know whether or not she has any children? A No sir, I don't know.
- Q How long since you seen her up to this time?
- A I have seen her, times and again, passing around, but how long I don't know; it has been some ten or 15 years.
- Q She has changed a good deal since then?
- A She haint changed looks any; she may have grown in age, but haint changed her looks any.
- Q Were Ben and Lucinda Grayson citizens of the Creek Nation?
- A Yes sir.
- Q Do you know whether or not they were on the Durn roll?
- A I don't know, because at the time the durn roll was got up, their mistress had them down on the line between here and the Chickasaw Nation somewhere, where they lived. They were enrolled in the Canadian, and in Arkansas.
- Q You say they were enrolled in the Canadian town?
- A There is where they did live in Canadian town; there is where the old people started from.
- Q She represents that they belong to the North Fork town.
- Q I will tell you how they came to be North Fork town; their grand mother belonged to the North fork town, and Ben belonged to the Canadian.
- Q Where did you say the mother, Lucinda belonged?
- A That is the one I speak of, belonged to the North fork.
- Q You didn't know anything about them until since they have been living in the Chickasaw Nation?
- A I can't give any clear statement on that, but I can tell you they have rights in the Creek Nation from their birth; those were people that were born and raised in the Creek Nation, between those rivers; I can go and show you the spot where they lived, and they were taken by marriage in the Chickasaw Nation.
- Q They married Chickasaws, and went into the Chickasaw Nation.
- A Yes sir, and all colored people; Miss Gallie, she moved with her husband in the Chickasaw Nation. The Chickasaws know they have no right there and are sending them back here.
- Q But you are not quite positive that she is the daughter of Ben and Lucinda Grayson? A Not more than by favors and what I have heard.

Department of the Interior,

Census of the United States, 1890.

I have compared the original notes with the  
 statement made by the named Commission, that this  
 statement is a true, full and correct translation of  
 my stenographic notes.

C. H. Coastain

DEPARTMENT OF THE INTERIOR  
COMMISSION TO THE FIVE CIVILIZED TRIBES,  
Okmulgee, Indian Territory, May 14, 1901.

In the matter of the application of Lydia Frazier, nee Grayson and her three children Jennie, Nannie and Legus Frazier and three children of Hepsy Childs, Johnny, Isabel and Pearl Childs for enrollment as citizens of the Creek Nation.

Charles Alexander being duly sworn testified as follows:

Examination by the Commission.

Q What is your name, age and post-office address? A Charles Alexander. I was born in '65 - '66. Bearden is my post-office.

Q Are you acquainted with Lydia Greyson? A Yes sir.

Q Do you know how many children she has living? A Three.

Q What are their names? A I disremember. One named Legus.

Q The next one? A Jennie. Jennie is older than Legus.

Q What is the name of the other one? A Annie.

Q Is it Annie or Nannie? A Annie but they put it down Nannie.

Q Do you know whether or not they are citizens of the Creek Nation? A I think they was.

Q Do you know whether or not their names appear upon the Creek tribal rolls? A Yes sir I have the belief to think that. They got the money.

Q Do any of those children go by any other surname besides Frazier? A No sir I don't know as they do. They have a step-fatherlessen they go by his name. That is something Judge that is pretty hard to get at.

Q What was the name of Jennie's father? A Henry Colbert.

Q Who was Lydia's mother? A Lucinda Greyson was her husband's name and her master's name was McIlish. I don't know which one she took.

The 1890 authenticated Creek roll examined and the names of Liddie Frazure, Jenetta Colbert and Annie Colbert are found thereon at page 163.

The 1895 authenticated Creek census roll of North Fork Town, Creek Nation, examined and the names of Lydia Greyson, Jeannatta Greyson, Annie Greyson and Legus Greyson are found thereon.

The 1895 pay roll of North Fork Town examined and the names of Lydia, Jinsey, Annie and Legus Greyson found thereon at numbers 83 to 86 inclusive.

Q Did you know Hepsie a sister of Lydia? A Yes sir.

Q Is she living? A No sir.

Q Do you know how many of her children are living? A There is four but the last two names I don't know.

Q When did you see or hear of these children last? A Its been about not quite a month ago. I was there at Paula Valley and asked about them asked if these two children was living and they said they was.

Q You said a moment ago that she had four children? A Yes sir. They is two names that I call and two names and I don't know.

Q What are the two names that you call? A John and Isabella.

Q Are they the elder children of Hepsie? A Yes sir.

Q Are you positive that there are four children living? A Yes sir.

Charles Alexander 2---

- Q How long has Hepsie been dead? A I disremember.  
Q What surnames have Hepsie and her children been known by?  
Q She always go by her father's name Greyson.  
Q What do her children go by? A That I can't tell. Whether they put them down Greyson, Jiles or Hayes wither one. I haint positive either one of them. Hayes was the owner of this man. Jiles was his father's name.  
Q Have Hepsie and her children been enrolled by the tribal authorities of the Creek Nation that you know of? A Yessir.

The 1890 authenticated Creek roll examined and the names of Hepsie Ann Jiles, Hayse Jiles and Isabella Jiles are found thereon.

- Q Do you know for whom this name Hayes Jiles is intended on the Creek roll? A No sir. I know what it is, the meaning of it.  
Q What does it mean? A That was his father's name.  
Q Whose father's name? A The man that married Hepsie.  
Q Who is Hayes? A Hepsie's boy.  
Q What is his correct name? A John Jiles.  
Q Did Hepsie ever have any boy by the name of Hayes Jiles that you know of other than this one you say is named John Jiles?  
A None but that one.

The 1895 authenticated Creek census roll of North Fork Town of the Creek Nation examined and the names of Hepsy Greyson, John Greyson, Elizabeth Greyson and Robert Greyson are found thereon.

The 1895 pay roll of North Fork Town examined and the names of Hepsie, John, Elizabeth and Robert Greyson are found thereon at numbers 73 to 76 inclusive.

- Q Do you know whether or not Hepsie had a son by the name of Robert? A I know she had got another son but his name I don't know.  
Q Who was he living with? A His Uncle.  
Q What was his uncle's name? A Sam Greyson.  
Q Is Sam Greyson living? A Yes sir.  
Q Do you know whether or not he has ever been enrolled by the Dawes Commission? A No sir. He's a man that's always down in his bed with Asthma and never did appear.  
Q Do you know a child of Hepsie's by the name of Pearl? A No sir it may be one of them names I don't know.  
Q One of the younger children? A Yes sir.  
Q Do you know whether or not these children have ever been enrolled as Chickasaws in the Chickasaw nation? A No sir I don't. I don't know why they should.

Myra Young having been first duly sworn, upon her oath states that as stenographer to the Commission to the Five Civilized Tribes she reported in full all proceedings had in the above entitled cause on the 14th day of May, 1901, and that the above and foregoing is a full, true and correct transcript of her stenographic notes of said proceedings on said date.

*Myra Young*

Subscribed and sworn to before me at Okmulgee, Indian Territory, on this the 14th day of May, 1901.

*Thos. B. Hephner*

Notary Public.

DEPARTMENT OF THE INTERIOR  
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application of Lydia Frazier, nee Grayson, and three children, Jennie, Nannie and Legus Frazier, and three children of Hepsey Childs, Johnny, Isabel and Pearlle Childs for enrollment as citizens of the Creek Nation.

D E C I S I O N .

It appears from the record in this case that on February 20, 1900, Lydia Frazier, nee Grayson, appeared before this Commission at Muskogee, Indian Territory, and made application for the enrollment of herself and her three minor children, Jennie, Nannie and Legus Frazier and three children of her deceased sister Hepsey Childs, namely Johnny, Isabel and Pearlle Childs as citizens of the Creek Nation and that additional testimony was taken in support of the said application on May 14, 1901.

It also appears that said applicants are Creek freedmen and that all of them except Pearlle Childs have been heretofore recognized as citizens of the Creek Nation by the tribal authorities thereof and that their names with some immaterial variations are found upon the authenticated Creek rolls for the years 1890 and 1895.

It further appears that the father of the said Jennie Frazier was Henry Colbert and that her correct name is Jennie Colbert and that the said Pearlle Childs was born subsequent to the date of the last authenticated creek roll.

It is therefore the opinion of this Commission that the said Lydia Frazier and her three minor children, Jennie Colbert, Nannie Frazier and Legus Frazier and the two minor children of Hepsey Childs deceased, namely Johnny and Isabel Childs, should be enrolled as citizens of the Creek Nation in accordance with the provisions of section Twenty-one of the act of Congress approved June 28, 1898, ( 30 Stats. 495) and that the said Pearlle Childs should also be enrolled as a citizen of the Creek Nation upon presentation of proof that she is the child of the said Hepsey Childs born to her subsequently to the date of the last authenticated Creek roll, and it is so ordered.

The Commission to the Five Civilized Tribes.

Dated at Okmulgee, Indian Territory,  
this the 14th day of May, 1901.

  
Acting Chairman.

  
Commissioner.

Commissioner.



COMMISSIONERS:  
HENRY L. DAWES,  
TAMM DIXIEY,  
THOMAS B. NEEDLES,  
C. R. BRECKINRIDGE.

ALLISON L. AYLESWORTH,  
SECRETARY.

DEPARTMENT OF THE INTERIOR,  
COMMISSION TO THE FIVE CIVILIZED TRIBES.

ADDRESS ONLY THE  
COMMISSION TO THE FIVE CIVILIZED TRIBES

Muskogee, Indian Territory, January 17, 1902.

Lydia Frazier,

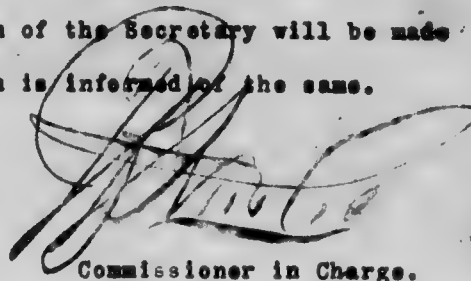
Bearden, Indian Territory.

Madam:

There is herewith enclosed a copy of the decision of the Commission to the Five Civilized Tribes in the matter of the application made by you for the enrollment of yourself and your three minor children, Jennie, Mennie and Legus Frazier, and for the enrollment of the children of Hopsy Childs, deceased, namely, Johnny, Isabel and Pearl Childs, as citizens of the Creek Nation.

The decision, with a copy of the proceedings had in the case, is this day transmitted to the Secretary of the Interior for his review and decision. The final decision of the Secretary will be made known to you as soon as the Commission is informed of the same.

Yours truly,



Commissioner in Charge.

1 enclosure.  
L.F.  
Registered.

C O P Y .

Muskogee, Indian Territory, January 17, 1908.

The Honorable,

The Secretary of the Interior.

Sir:

There is herewith transmitted the record of proceedings in the matter of the application of Lydia Frasier, nee Grayson, for the enrollment of herself and her three minor children, Jennie, Nannie and Logus Frasier, and for the enrollment of Johny, Isabel and Pearlle Childs, children of Hopsy Childs, deceased, as citizens of the Creek Nation, including the decision of the Commission enrolling said Lydia, Jennie, Nannie and Logus Frasier, and Johny and Isabel Childs, and providing for the enrollment of Pearlle Childs upon presentation of proof of birth.

Respectfully,

T. B. Needles.

Commissioner in Charge.

Through the Commissioner of Indian Affairs.

1 enclosure.  
C-58.



C O P Y .

Muskogee, Indian Territory, January 17, 1902.

A. P. McKelley, Esq.,

M. H. Reed, Esq.,

Attorneys for the Creek Nation,

Muskogee, Indian Territory.

Gentlemen:

There is herewith enclosed a copy of the decision of the Commission to the Five Civilized Tribes in the matter of the application of Lydia Frasier et al for enrollment as citizens of the Creek Nation

The decision, with a copy of the proceedings had in the case, is this day transmitted to the ~~Department~~ Secretary of the Interior for his review and decision. The final decision of the Secretary will be made known to you as soon as the Commission is informed of the same.

Yours truly,

T. B. Needles .

Commissioner in Charge.

1 enclosure.  
McK. & R. (14)  
Registered.

Refer in reply to  
the following:

Land.  
4005-1902.

DEPARTMENT OF THE INTERIOR,  
Office of Indian Affairs,

WASHINGTON, January 29, 1902.

The Honorable

The Secretary of the Interior.

Sir:

There is inclosed herewith a report dated January 17, 1902, from T. B. Needles, Commissioner in charge of the work of the Dawes Commission, transmitting for the Department's consideration the record in the matter of the application of Lydia Frazier, nee Grayson, for the enrollment of herself and her three minor children, Jennie, Nannie and Legus Frazier, and the three children of Hepsey Childs, to wit: Johny, Isabel and Pearlle Childs, as citizens of the Creek Nation.

On May 14, 1901, the Commission rendered the following decision in the case:

"It appears from the record in this case that on February 20, 1900, Lydia Frazier, nee Grayson, appeared before this Commission at Muskogee, Indian Territory, and made application for the enrollment of herself and her three minor children, Jennie, Nannie and Legus Frazier and three children of her deceased sister Hepsey Childs, namely Johny, Isabel and Pearlle Childs as citizens of the Creek Nation and that additional testimony was taken in support of the said application on May 14, 1901.

"It also appears that the said applicants are Creek freed-men and that all of them except Pearlina Childs have been heretofore recognized as citizens of the Creek Nation by the tribal authorities thereof and that their names with some immaterial variations are found upon the authenticated Creek rolls for the years 1890 and 1895.

"It further appears that the father of the said Jennie Frazier was Henry Colbert and that her correct name is Jennie Colbert and that the said Pearlina Childs was born subsequent to the date of the last authenticated Creek roll.

"It is therefore the opinion of this Commission that the said Lydia Frazier and her three minor children, Jennie Colbert, Nannie Frazier and Legus Frazier, and the two minor children of Hepsey Childs deceased, namely Johny and Isabel Childs, should be enrolled as citizens of the Creek Nation in accordance with the provisions of section Twenty-one of the act of Congress approved June 28, 1898 (30 Stats., 495), and that the said Pearlina Childs should also be enrolled as a citizen of the Creek Nation upon presentation of proof that she is the child of the said Hepsey Childs born to her subsequently to the date of the last authenticated Creek roll, and it is so ordered."

The record in this case shows that Henry Colbert was the father of Jennie Frazier (or Jennie Colbert), and that Ike Frazier is the father of Nannie and Legus Frazier. It also shows that Hepsey Childs was the full sister of Lydia

Frazier; that she was the mother of Jehny, Isabel and Pearlis Childs, and that she is dead.

The office believes that the Commission's decision in this case is correct, that it should be approved and so recommends.

Very respectfully,

Your obedient servant,

W. A. JONES.

Commissioner

GAW  
D

3 inclosures.

C o p y.

DEPARTMENT OF THE INTERIOR.

FILE

WASHINGTON.

I.T.D.624,2447-1902.

November 22, 1902.

SRS.

Commission to the Five Civilized Tribes,

Muskogee, Indian Territory.

Gentlemen:

January 29, 1902, the Commissioner of Indian Affairs transmitted the record involving the application of Lydia Frazier for the enrollment of herself and three children, Jennie, Nannie and Legus Frazier, and three children of her sister, Hepsey Childs, deceased, namely, Johnny, Isabel and Pearlle Childs, as citizens of the Creek Nation, and recommended that your decision be affirmed.

It appears that the applicants are Creek freedmen. Said children are all minors. It is stated in your decision that all of the claimants, except Pearlle Childs, have been recognized as citizens of the Creek Nation "by the tribal authorities," and that their names, with some immaterial variations, are found upon the authenticated Creek census rolls of the years 1890 and 1895, and you held that they should be enrolled in accordance with the provisions of the

act of June 28, 1898 (30 Stat., 495), except as to Pearlle Childs, who was born subsequent to the date of the last authenticated Creek roll, and that she should be enrolled if it is shown that she is the child of Hepsy Childs, born subsequent to the date of the last Creek roll.

An argument has been filed by the attorneys for the nation, in which reference is made to the treaty of 1866 (14 Stat., 785), and section 148 of the Creek laws, and it is stated that the testimony does not show that the applicants were ever admitted to citizenship in the Creek Nation in accordance with "the treaties and laws" of the nation, and that it does not show that they were placed upon the rolls lawfully.

Particular attention is called to the 21st section of the act of June 28, 1898 (30 Stat., 495), in regard to Creek freedmen, which authorized you to enroll persons of African descent "as may have been rightfully admitted by the lawful authorities of the Creek Nation." It is insisted, therefore, that it is incumbent upon the claimants to show that their claims to citizenship had been determined by some lawful authority of the Creek Nation prior to the time they

were enrolled "on the pay rolls thereof"; that as the case stands, the necessary conclusion must be that their enrollment on said roll was procured by fraud or without authority of law.

As stated heretofore in several decisions, the Department cannot assume fraud in any case, or that a party's name has been placed upon the rolls of the nation without authority of law. This case has been considered in connection with your report of January 28, 1902, upon a resolution of the Creek Nation in regard to citizenship cases. The Department sees no reason to disturb your decision, and it is affirmed. A copy of the Commissioner's letter is inclosed herewith.

Respectfully,

THOS. RYAN.

Acting Secretary.

1 inclosure.



Creek Enrollment  
Case No. 58.

Muskogee, Indian Territory, December 11, 1902.

A. P. McKellop, Esq.,

H. C. Reed, Esq.,

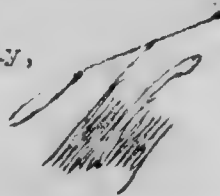
Attorneys for the Creek Nation,

Muskogee, Indian Territory.

Gentlemen:

You are hereby advised, in the matter of the application made by Lydia Frazier, nee Grayson, for the enrollment of herself and three children, Jennie, Nannie and Logus Frazier, and three children of Hepsey Childs, Johny, Isabel and Pearlle Childs, as citizens of the Creek Nation, that the Acting Secretary of the Interior, under date of November 22, 1902, affirmed the decision of the Commission, dated May 14, 1901, enrolling said applicants as Creek citizens.

Respectfully,



Acting Chairman.

C O P Y

Creek Enrollment  
Case No. 58.

Muskogee, Indian Territory, December 11, 1902.

Lydia Frazier (nee Grayson),

Bearden, Indian Territory.

Dear Madam:

You are hereby advised, in the matter of the application made by you for the enrollment of yourself and three children, Jennie, Nannie and Legus Frazier, and three children of Hepsey Childs, Johny, Isabel and Pearlle Childs, as citizens of the Creek Nation, that the Acting Secretary of the Interior, under date of November 22, 1902, affirmed the decision of the Commission, dated May 14, 1901, enrolling yourself and your said children, and the said three children of Hepsey Childs, as Creek citizens.

Respectfully,



Acting Chairman.

Registered.

C O P Y

Creek Freedmen,  
Field No. 1798.

Muskogee, Indian Territory, December 12, 1902.

Choctaw-Chickasaw Enrollment Division,

Commission to the Five Civilized Tribes.

Gentlemen:

You are hereby advised that Lydia James and her children, Jennie Colbert, Nannie Frazier and Legus Frazier, together with her nephew, Johnny Childs, and her two nieces, Isabel and Pearlle Childs, have been regularly enrolled, as citizens of the Creek Nation, on Creek Freedmen Card, Field No. 1798, in accordance with departmental decision of November 22, 1902.

It appears from an examination of the testimony in the matter of the application of the above for enrollment as Creek citizens, that Lydia James was intermarried with a Choctaw citizen and a Chickasaw citizen, and that the father of Johnny, Isabel and Pearlle Childs, was a citizen of the Chickasaw Nation.

Respectfully,



Acting Chairman.

COMMISSIONERS:  
HENRY L. DAWES,  
TAMM BIXBY,  
THOMAS B. NEEDLES,  
C. R. BRECKINRIDGE.

ALLISON L. AYLESWORTH,  
SECRETARY.

DEPARTMENT OF THE INTERIOR,  
COMMISSION TO THE FIVE CIVILIZED TRIBES.



ADDRESS ONLY THE  
COMMISSION TO THE FIVE CIVILIZED TRIBES.

Muskogee, Indian Territory, December 23, 1902.

Creek Enrollment Division,  
Commission to the Five Civilized Tribes,  
Muskogee, Indian Territory,  
Gentlemen:

Receipt is hereby acknowledged of your letter of December 12, advising that Lydia James and her children, Jennie Colbert, Nannie Frazier and Legus Frazier, together with her nephew, Jehny Childs, and her two nieces, Isabel and Pearlle Childs, have been regularly enrolled as citizens of the Creek Nation, on Creek freedmen card field No. 1798, in accordance with Departmental decision of November 22, 1902.

You are informed that it does not appear from our records that any of the above named persons have made application for enrollment in either the Choctaw or Chickasaw Nation.

Respectfully,

Acting Chairman.

COMMISSIONERS

HENRY L. DAWES,  
TAMM BIXBY,  
THOMAS B. NEEDLES,  
C. R. BRECKINRIDGE

ALLISON L. AYLESWORTH,  
SECRETARY

DEPARTMENT OF THE INTERIOR,

COMMISSION TO THE FIVE CIVILIZED TRIBES.

ADDRESS ONLY THE  
COMMISSION TO THE FIVE CIVILIZED TRIBES

Muskogee, Indian Territory, 1115 1902 1902.

Received on this date from the Commission to the Five Civilized Tribes a copy of the record of proceedings in the matter of the application of Lydia Frazier (nee Grayson), et al. for enrollment as citizens of the Creek Nation.

*A. T. M. Needles*

Attorney for Creek Nation.

Creek No. 58.

CR EU 59

Creek Citizen by Blood.

DEPARTMENT OF THE INTERIOR,  
COMMISSION TO THE FIVE CIVILIZED TRIBES,  
ATOKA, IND., THUR., JUNE 6, 1900.

In the matter of the application of Rhoda Freeman for enrollment as a citizen of the Creek Nation by blood, said Rhoda Freeman being sworn by Acting Chairman Bixby, testified:

By the Commission:

- Q What is your name? A Rhoda Freeman.  
Q What is your postoffice? A Wapamucka, I.T.  
Q How old are you? A 55 I guess.  
Q Where were you born? A From the old Nation in Mississippi when I was coming in the road from Mississippi. I was born at Boggy Depot.  
Q Where do you now live? A At Boggy Depot.  
Q Give your father's name? A Bungy.  
Q Was your father a Creek Indian? A No sir, he was a colored man.  
Q Was your father a slave? A Yes.  
Q To whom did he belong? A Kitty Brown.  
Q Who was his first master? A Mammy.  
Q Was he a Chickasaw Indian? A Yes.  
Q Is your father now living? A No sir, he died when I was a girl.  
Q Where did he die? A Down at Boggy in the Choctaw Nation.  
Q You were never a slave yourself? A No sir.  
Q Give your mother's name? A Molly.  
Q What was her citizenship? Was she a Chickasaw? A She was a Creek Indian.  
Q By blood? A Yes.  
Q Was your mother a full-blood Creek Indian? A Yes.  
Q You say you have a witness at Boggy who knew her? A Yes, but ~~XXXXXXXXXXXX~~ she is sick and could not come.  
Q What is her name? A Lucinda Dick.  
Q You state that you were born on the way from Mississippi to the Choctaw Nation? A Yes.  
Q When did you go to the Creek Nation? A I never was in the Creek Nation.  
Q Your mother always lived in the Choctaw Nation although she was a Creek? A Yes.  
Q Do you know whether your mother was recognized by the Creek authorities as a member of that tribe? A Yes.  
Q Do you know whether she was enrolled by the Creek authorities? A I don't know.  
Q Are you a recognized citizen of the Creek Nation and a recognized member of the tribe? A Yes.  
Q Have you ever been enrolled by the tribal authorities of the Creek Nation? A Yes.  
Q Do you know in what year? A No sir, I don't know in what year.  
Q Did you ever draw any pay in the Creek Nation? A Once.  
Q What year? A '95.  
Q Are you married? A Yes.  
Q What's your husband's name? A Joe Freeman.  
Q Were you ever married before? A Yes.  
Q How many times? A Twice.  
Q What was your first husband's name? A Austin Russell.  
Q When did you marry him? A About 10 or 12 years since he died.  
Q When were you married to him? A About 20 years ago.



- Q What was his citizenship? A Chickasaw freedman.  
 Q Did you have any children by your first husband? A No sir.  
 Q What was your first husband's name? A Nickson James.  
 Q Were you married to Nickson James? A No sir.  
 Q What was his citizenship? A He was a full blood Choctaw Indian.  
 Q Is he now living? A No sir, he died a long time ago.  
 Q About when did he die? A It has been a long time ago and I could not tell what time it was.  
 Q Did you have any children by Nickson James? A Yes, one.  
 Q What is her name? A Lissie James.  
 Q The first man to whom you were married, who was he? A Austin Russell.  
 Q You had no children by Austin Russell? A No sir.  
 Q Is he dead? A Yes.  
 Q About when did he die? A About 6 years now I think.  
 Q Upon his death did you marry again? A Yes.  
 Q To whom? A Joe Freeman.  
 Q Is he now living? A Yes.  
 Q Is he here? A No sir, he is at home.  
 Q What is his citizenship? A Chickasaw, I guess.  
 Q Chickasaw freedman? A Yes.  
 Q Have you any minor children by him? A No sir.  
 Q You never went to the Creek Nation? A Yes, I went out there, my sisters and brothers were out there and I went out there.  
 Q When did you go to the Creek Nation? A A long time before the war.  
 Q Were you there at the close of the war? A No sir, I came back home.  
 Q Did you ever hear of an Indian Agent by the name of J. W. Dunn? A No sir.  
 Q You do not remember of having been enrolled on what is known as the Dunn roll? A No sir.  
 Q Are you known by any other name than Rhoda Freeman? A My father's name was Buttler and I am sometimes called Rhoda Buttler. My sister used to go by Buttler all the time.  
 Q By what name were you enrolled in the Creek Nation? A I don't remember.  
 Q Do you know what town in the Creek Nation you belong to? A No sir.

The rolls made by the tribal authorities of the Creek Nation are examined and the name of Rody Buttler and her sister, Lizzie James found on the '95 Pay Roll.

- Q Were you up to the Creek Nation more than once? A Yes, twice.  
 Q Twice before or twice after the war? A Once before the war and once after the war.  
 Q You state that you were enrolled by the Creek authorities, do you know how your name came to be placed on the Creek rolls? A No sir.  
 Q You did not make application yourself? A No sir, my sister enrolled us, I did not have any way to go.  
 Q How many sisters did you have? A Two, they are both dead now.  
 Q Were they both enrolled by the Creek authorities as Creek citizens? A Yes.  
 Q Have you any brothers? A No sir.  
 Q About what time were you last in the Creek Nation? Did you go up there when you drew pay? A No sir my sister drew it.  
 Q Have you been enrolled by the tribal authorities of the Chickasaw Nation as a Chickasaw by blood? A No sir, I don't think so.  
 Q Have you ever been enrolled by the Choctaw authorities as a Choctaw Indian by blood? A Yes.  
 Q Do you know in what year? A No sir.  
 Q What was your name when you were enrolled in the Choctaw Nation?

Rhoda Freeman-3.

A. Rhoda Russell.

The roll of Choctaw citizens by blood made by the tribal authorities in 1894 is examined and neither the names of Rhoda Russell, Rhoda James or Rhoda Butler is found there.

The Pay-Roll of the Choctaw Nation of 1895 is examined and the name of Rhoda Jones with her daughter Linnie Jones is found thereon Nos. 456 and 457-- page 63, Line county. Money paid to Mrs. S. B. Hester.

Brown McDonald, being first duly sworn by Acting Chairman Bixby, says that as Stenographer to the Commission to the Five Civilized Tribes, he reported the testimony of the witness Rhoda Freeman hereinabove set forth, and that the foregoing is a full, true and correct transcript of his notes.

*Brown McDonald*

Sworn to and subscribed before me this 7th day of June, 1900,  
at Atoka, Indian Territory.



Acting Chairman.

C O P Y .  
COMMISSION TO THE FIVE CIVILIZED TRIBES.  
Atoka, Indian Territory.

In the enrollment of Rhoda Freeman and daughter as Choctaws; being  
sworn and examined by Com'r McKennon-she testifies:

- Q What is your name? A Rhoda Freeman.  
Q What is your father's name? A Bungy.  
Q Was he an Indian? or A colored man? A He was a colored man.  
Q Was he a slave? A Yes sir.  
Q Who did he belong to? A Belonged to an Indian they called Mubbi,  
that is what my aunt told me.  
Q Was he a Choctaw or a Chickasaw? A He was a Chickasaw I think.  
Q Did your father die before the war? A Yes sir.  
Q What was your mother? A My mother was a Creek.  
Q Was she a Creek Indian or a Creek Freedman? A She was a Creek  
Indian.  
Q Did she live in the Creek Nation? A No sir, she lived in the  
Choctaw nation  
Q When did she come to the Choctaw nation? A I don't know, I was  
small when my mother died.  
Q How old were you when your mother died? A I don't know.  
Q Where did your mother die? A She died in the Choctaw Nation.  
Q You have always lived here? A Yes sir.  
Q Have you ever been enrolled in the Creek nation? A No sir.  
Q You have no Choctaw blood in you then? A No sir.  
Q Were you ever admitted by the Choctaw council or did they ever pass  
any act admitting you? A I guess so.  
Q When? A I cannot tell you.  
Q Did you know anything about anything of that kind? A No sir.  
Q You drew the leased District money? A Yes sir.  
Q Have you ever drawn any other annuity? Yes sir, I always drew  
with the Choctaws.  
Q What was your husband's name, the father of Lizzie?  
A Nixon James.  
Q Was he a Choctaw? A Yes sir, full blood Choctaw.  
Q Were you married to him? A No sir.  
Q Then Lizzie is an illegitimate child? A Yes sir.  
Q Choc. Com'r Lewis: Lizzie's husband is a freedman? A Yes sir.  
Q Com'r McKennon: Chickasaw or a Choctaw freedman? A He is a  
Chickasaw freedman.  
Q Is he enrolled as a freedman? A Yes sir.  
Q Is he the father of Magnolia? A Yes sir.

A. Telle being sworn and examined, testifies:

- Q What is your name? A A. Telle.  
Q How old are you? A Thirty-nine.  
Q What do you know about the citizenship of Rhoda Freeman and the  
payment of leased district money to her in 1893?  
A I was appointed as pay master for Blue county and the Chickasaw na-  
tion, and the books were turned over to me and I went and made the  
payment at Caddo; the name of Rhoda James appeared on these books,  
and while at that time I wasn't certain whether the payment should  
be made to anyone except those by blood, I had never investigated  
into her status, but as some on the rolls had been regarded as be-  
longing to a class of citizens we called free-born freedmen, -negroes-  
and she was closely related to the Martin Dick family and I supposed  
it was the same family and made the payment to her.  
Rebecca Freeman recalled states:  
Q Comm'r McKennon: Are Lizzie and her husband lawfully married?  
A Yes sir, I saw them married.

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Department of the Interior, Commission to the Five Civilized Tribes  
I hereby certify upon my official oath as stenographer to above named  
Commission that this transcript is a true, full, and complete translation  
of my stenographic notes. M. D. Green.

DEPARTMENT OF THE INTERIOR,  
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application of Rhoda Freeman for enrollment as a citizen of the Creek Nation.

D E C I S I O N .

It appears from the record in this case that on June 6, 1900, Rhoda Freeman appeared before this Commission at Atoka, Indian Territory, and made application for enrollment as a citizen of the Creek Nation.

It also appears that the said Rhoda Freeman has been heretofore recognized as a citizen of the Creek Nation by the tribal authorities thereof, and that her name is found upon the roll for the year 1895, of the Creek Nation, as a member of Tuskegee Town.

The Commission finds that the 1895 authenticated roll of Tuskegee town has been lost or destroyed, and also finds that, by comparison of rolls of other towns, and from testimony of the Creek officials introduced in other cases, that the said 1895 pay roll of Tuskegee Town, is a full, true and correct copy of the 1895 authenticated roll for the same year.

It is therefore the opinion of this Commission that the said Rhoda Freeman should be enrolled as a citizen of the Creek Nation in accordance with the provisions of the Act of Congress approved June 28, 1898, (30 Stats., 495), and it is so ordered.

Commission to the Five Civilized Tribes.

Dated at Okmulgee, Indian Territory,  
this 24th day of May, 1901.

  
Acting Chairman.

  
Commissioner.

  
Commissioner.

C O P Y .

Muskogee, Indian Territory, January 17, 1902.

The Honorable,

The Secretary of the Interior.

Sir:

There is herewith transmitted the record of proceedings in the matter of the application of Rheda Freeman for her enrollment as a citizen of the Creek Nation, including the decision of the Commission dated the 24th day of May, 1901, enrolling said applicant as a citizen of said Nation.

Respectfully,

Z. B. Needles.

Commissioner in Charge.

Through the Commissioner  
of Indian Affairs.

1 enclosure.  
Creek-29

C O P Y .

Waskagee, Indian Territory, January 27, 1908

Rhoda Freeman,

Wapanucka, Indian Territory.

Madam:

There is herewith enclosed a copy of the decision of the Commission to the Five Civilized Tribes in the matter of the application made by you for the enrollment of yourself as a citizen of the Creek Nation.

The decision, with a copy of the proceedings had in the case is this day transmitted to the Secretary of the Interior for his review and decision. The final decision of the Secretary will be made known to you as soon as the Commission is informed of the same.

Yours truly,

T. B. Needles.

Commissioner in Charge.

1 enclosure.  
R.F.  
Registered.

C O P Y .  
Muskogee, Indian Territory, January 17, 1903.

A. P. McKelley, Esq.,

H. E. Reed, Esq.,

Attorneys for the Creek Nation,

Muskogee, Indian Territory.

Gentlemen:

There is herewith enclosed a copy of the decision of the Commission to the Five Civilized Tribes in the matter of the application of Rhoda Freeman for enrollment as a citizen of the Creek Nation.

The decision, with a copy of the proceedings had in the case, is this day transmitted to the Secretary of the Interior for his review and decision. The final decision of the secretary will be made known to you as soon as the Commission is informed of the same.

Yours truly,

T. B. Hedges.

Commissioner in Charge.

1 enclosure.  
Mek & R. (18)  
Registered.



(COPY)

Refer in reply to the following: Land 4005-1902.

DEPARTMENT OF THE INTERIOR  
Office of Indian Affairs

Washington, January 29, 1902.

The Honorable

The Secretary of the Interior.

Sir:

There is inclosed herewith a report dated January 17, 1902, from T. B. Needles, Commissioner in charge of the work of the Dawes Commission, transmitting for the Department's consideration the record relative to the application of Rhoda Freeman for enrollment as a citizen of the Creek Nation.

May 24, 1901, the Commission rendered its decision relative to said application, as follows:

"It appears from the record in this case that on June 6, 1900, Rhoda Freeman appeared before this Commission at Atoka, Indian Territory, and made application for enrollment as a citizen of the Creek Nation.

"It also appears that said Rhoda Freeman has been heretofore recognized as a citizen of the Creek Nation by the tribal authorities thereof, and that her name is found upon pay roll for the year 1895, of the Creek Nation, as a member of Tuskegee Town.

"The Commission finds that the 1895 authenticated roll of Tuskegee town has been lost or destroyed, and also finds that, by comparison of rolls of other towns, and from testimony of the Creek officials introduced in other cases, that the said 1895 pay roll of

"Tuskegee Town, is a full, true and correct copy of the 1895 authorized  
seated roll for the same year.

"It is therefore the opinion of this Commission that the  
said Rhoda Freeman should be enrolled as a citizen of the Creek  
Nation in accordance with the provisions of the Act of Congress  
approved June 28, 1906 (34 Stat., 495), and it is so ordered."

The office has carefully considered the testimony in this  
case, believes the Commission's decision should be approved, and so  
recommends.

Very respectfully,

Your obedient servant,

W. A. JONES.

Commissioner.

GAW  
D.

3 inclosures.

(1902)

FILE

DEPARTMENT OF THE INTERIOR

WASHINGTON

N. E. B. 624 &  
2027-1902.

April 19, 1902.

L. A. S.

Commission to the Five Civilized Tribes,

Muskogee, I. T.

Gentlemen:

The Department has considered the case involving the application of Rhoda Freeman for enrollment as a citizen of the Creek Nation by blood, your decision being in favor of claimant.

You found that the party "has been heretofore recognized as a citizen of the Creek Nation by the tribal authorities" and that her name is found upon the pay roll for the year 1895 of the Creek Nation. You also state that the 1895 authenticated roll of Tuskegee Town has been lost or destroyed; that by comparison of the rolls of other towns and from testimony of the Creek officials introduced in other cases, the said 1895 pay roll of Tuskegee Town is a full, true and correct copy of the 1895 authenticated roll for the same year. The claimant is a resident of the Choctaw Nation.

Argument by the attorneys for the Creek Nation has been filed, in which reference is made to sections 148, 295 and 297 of the Creek laws, and it is contended that it is incumbent upon the applicant to show that her citizenship was determined by some rightful authority of the Creek Nation and prior to the placing of

her name on the 1895 roll; that, under the circumstances in this case, the presumption must be that claimant's name was placed upon such roll by fraud or without authority of law. See section 21 of the act of June 28, 1896 (36 Stat., 495).

The nation has had due opportunity to show that wrong was committed in placing this party's name on the roll. It will not be presumed that there was any fraud in such proceedings. Referring to decision of even date in the case of Lizzie Wiley, your decision is affirmed. A copy of the Commissioner's letter is inclosed.

Respectfully,

THOS. RYAN.

Acting Secretary.

END.

1 inclosure.



(SURT)

Muskogee, Ind. Ter., May 1, 1902.

Rhoda Freeman,

Wapannock, Ind. Ter.

Dear Madam:

You are hereby advised that the Secretary of the Interior, under date of April 19, 1902, affirmed the decision of the Commission, dated May 24, 1901, enrolling yourself as a citizen of the Creek Nation.

Yours truly,

F. B. McJannet

Commissioner of the Creek Nation

Creek-59.

OCH.

(SMT)

Muskogee, Ind. Ter., May 1, 1902

R. F. McKelvey, Esq.,

H. C. Head, Esq.,

Attorneys for the Creek Nation,

Muskogee, Ind. Ter.

Gentlemen:

You are hereby advised that the Secretary of the Interior, under date of April 15, 1902, approved the decision of the Commission, dated May 24, 1901, appointing Under Graham as a citizen of the Creek Nation.

Very truly,

L. S. WHEELER

Commissioner in Charge

Creek-59.

OCH.

COMMISSIONERS

HENRY L. DAWES,  
TAMM BIXBY,  
THOMAS B. NEEDLES,  
C. R. BRECKINRIDGE.

ALLISON L. AYLESWORTH,  
SECRETARY

DEPARTMENT OF THE INTERIOR,

COMMISSION TO THE FIVE CIVILIZED TRIBES.

ADDRESS ONLY THE  
COMMISSION TO THE FIVE CIVILIZED TRIBES

Muskogee, Indian Territory, FEB 1 1902, 1902.

Received on this date from the Commission to the Five Civilized Tribes a copy of the record of proceedings in the matter of the application of Rhoda Freeman for enrollment as a citizen of the Creek Nation.

A. M. Keecop

Attorney for Creek Nation.

Creek No. 59.



CR EN 60

CR EN 60

Creek by blood.

DEPARTMENT OF THE INTERIOR,  
COMMISSION TO THE FIVE CIVILIZED TRIBES,  
ATOKA, IND., TER., JUNE 6, 1906.

In the matter of the application of LIZZIE MIKEY for enrollment as a citizen by blood of the Creek Nation, said Lizzie Mikey being sworn by Acting Chairman Bixby, testified:

• By the Commission:

- Q What is your name? A Lizzie Mikey.  
Q What is your postoffice address? A Wapamucka.  
Q How old are you? A 23 years old.  
Q Have you ever appeared before the Commission for enrollment before? A No sir.  
Q Did you appear before the Commission at Muskogee or some point in the Nation before as a Creek citizen? A No sir, I didn't myself, but I think one of the boys had me put on the roll. He wrote me wanting to know what my name was and said he was going to enroll me.  
Q What is his name? A Dave Harist.  
Q What relation is he to you? A My cousin.  
Q Where do you now live? A At Boggy Depot in the Choctaw Nation.  
Q Where were you born? A I was born in the Choctaw Nation.  
Q How long have you lived in the Choctaw Nation? A All my life.  
Q Have you never lived any other place? A No sir.  
Q Give the name of your father? A Nickson James.  
Q What was your father's citizenship, do you know? A Choctaw Indian by blood.  
Q Is your father now living? A No sir, he's dead.  
Q About when did he die? A I don't know, he was dead before I knew myself.  
Q Give the name of your mother? A Rhoda Freeman.  
Q Is your mother now living? A Yes.  
Q Have you ever been recognized by the tribal authorities of the Creek Nation as a member of that tribe? A I don't know, have never been out there. I have been recognized here as a Choctaw all the time.  
Q Are you on any of the rolls of the Choctaw Indians.  
Q Yes, on the '93 pay-roll of Choctaw Indians by blood.  
Q In what county? A Blue county.

Pay-roll made by the tribal authorities of the Choctaw Nation in '93 is examined and the name of Lizzie James is found as Lizzie Jones with her mother Rhoda No. 657, page 63, Blue county.

- Q Are you married? A Yes.  
Q When were you married? A In '96.  
Q What is your husband's name? A Josiah Mikey.  
Q What is his citizenship? A SHURTAW FREEDMAN. Chickasaw freedman.

Records of Dawes Commission examined and the name of Josiah Mikey found on Chickasaw freedman card No. 152.

- Q By whom were you married? A Charley Anderson  
Q Who is he? A Colored minister.  
Q Have you your marriage license or certificate with you? A No sir.  
Q Is there anyone there who was present at your marriage? A No-one but my mother.



**STATE OF ARIZONA,**  
**COUNTY OF COCHISE,**

Know all men by these presents, that I, **James M. McDonald**, do hereby certify that the foregoing is a true and correct copy of the original of the same, as the same appears from the records of the County of Cochise, State of Arizona.

Witness my hand and seal of office this 1st day of June, 1900.

**James M. McDonald**, County Clerk.  
I, **James M. McDonald**, County Clerk, do hereby certify that the foregoing is a true and correct copy of the original of the same, as the same appears from the records of the County of Cochise, State of Arizona.  
I, **James M. McDonald**, County Clerk, do hereby certify that the foregoing is a true and correct copy of the original of the same, as the same appears from the records of the County of Cochise, State of Arizona.  
I, **James M. McDonald**, County Clerk, do hereby certify that the foregoing is a true and correct copy of the original of the same, as the same appears from the records of the County of Cochise, State of Arizona.  
I, **James M. McDonald**, County Clerk, do hereby certify that the foregoing is a true and correct copy of the original of the same, as the same appears from the records of the County of Cochise, State of Arizona.

**James M. McDonald**, being sworn by Acting Chairman **James M. McDonald**, says that as Stakeholder of the **First Civilized** mine, he is prepared to fill the location of **Little Miner** and **Big Miner** in the nation of the application of **Little Miner** for same, and as a witness by him of the great nation, and that the foregoing is a true, full and complete transcript of his his name.

*James M. McDonald*

Sworn to and subscribed before me this 1st day of June, 1900, at Atoka, Indian Territory.

  
Acting Chairman.

DEPARTMENT OF THE INTERIOR,  
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application of Lizzie Mikey for the enrollment of herself and her two minor children Magnolia and Robinson Mikey as citizens of the Creek Nation.

D E C I S I O N .

It appears from the record in this case that on June 6, 1900, Lizzie Mikey appeared before this Commission, at Atoka, Indian Territory, and made application for the enrollment of herself and her two minor children, Magnolia and Robinson Mikey as citizens of the Creek Nation.

It also appears that the said Lizzie Mikey has been heretofore recognized as a citizen of the Creek nation by the tribal authorities thereof, and upon examination of the rolls and records now in possession of this Commission, it is found that said Lizzie Mikey, by the name of Lizzie Jones is found upon the 1895 pay roll of the Creek Nation for Tuskegee Town. The testimony in the case shows that the said Magnolia and Robinson Mikey were born subsequent to the date of said roll.

The Commission finds that the 1895 authenticated roll of Tuskegee town has been lost or destroyed, and also finds that, by comparison of rolls of other towns, and from testimony of the Creek officials introduced in other cases, that the said 1895 pay roll of Tuskegee Town is a full, true and correct copy of the 1895 authenticated roll for the same year.

It is therefore the opinion of this Commission that the said Lizzie Mikey and her two minor children, Magnolia and Robinson, should be enrolled as citizens of the Creek Nation, and it is so ordered.

Commission to the Five Civilized Tribes.

Dated at Okmulgee, Indian Territory,  
this 24th day of May, 1901.

  
Acting Chairman.

Commissioner.

  
Commissioner.



(COPY)

Muskogee, Indian Territory, January 17, 1902.

The Honorable,

The Secretary of the Interior.

Sir:

There is herewith transmitted the record of proceedings in the matter of the application of Lissie Mikey for the enrollment of herself and children, Magnolia and Robinson Mikey, as citizens of the Creek Nation, including the decision of the Commission, dated May 24, 1901, enrolling said applicants as citizens of said nation.

Respectfully,

T.B.Needles.

Commissioner in charge.

1 enclosure  
Creek 60.

Through the Commissioner  
of Indian Affairs.

(COPY)

Muskogee, Indian Territory, January 17, 1908.

A. P. McKellop, Esq.,

H. C. Reed, Esq.,

Attorneys for Creek Nation,

Muskogee, Indian Territory.

Gentlemen:

There is herewith enclosed a copy of the decision of the Commission to the Five Civilized Tribes in the matter of the application for the enrollment of Lizzie Mikey and children, Magnolia and Robinson Mikey, as citizens of the Creek Nation.

The decision, with a copy of the proceedings had in the case, is this day transmitted to the Secretary of the Interior for his review and decision. The final decision of the Secretary will be made known to you as soon as the Commission is informed of the same.

Yours truly,

T. B. Needles,

Commissioner in charge.

1 enclosure.  
MAR-60.  
Registered.



(COPY)

Muskogee, Indian Territory, January 17, 1902.

Lissie Mikey,

Wapanucka, Indian Territory.

Dear Madam:

There is herewith enclosed a copy of the decision of the Commission to the Five Civilized Tribes in the matter of the application made by you for the enrollment of yourself and children, Magnolia and Robinson Mikey, as citizens of the Creek Nation.

The decision, with a copy of the proceedings had in the case, is this day transmitted to the Secretary of the Interior for his review and decision. The final decision of the Secretary will be made known to you as soon as the Commission is informed of the same.

Yours truly,

T.B. Needles,

Commissioner in charge.

1 enclosure. LM-80.  
Registered.

23541

Copy  
DEPARTMENT OF THE INTERIOR,  
WASHINGTON

YP  
F.

ITD 2447-1902  
651-1902

April 19, 1902.

IRS

Commission to the Five Civilized Tribes,  
Muskogee, I.T.

Gentlemen:

January 30, 1902, the Acting Commissioner of Indian affairs transmitted the record in the matter of the application for enrollment of Lizzie Mikey and her minor children, Magnolia and Robinson Mikey, as citizens of the Creek Nation by blood, and recommended that your decision in the case be approved.

You found that the applicant has been recognized as a citizen of the Creek Nation by the tribal authorities thereof, and that under the name of Lizzie Jones her name is found on the 1895 pay roll of the Creek Nation for Tuskegee town; that Magnolia and Robinson Mikey were born subsequent to the date of said roll. You also found that the 1895 authenticated roll of Tuskegee town has been lost or destroyed, and as you state that by comparison of the rolls of other towns and from testimony of Creek officials introduced in other cases, the said 1895 pay roll of Tuskegee town, is a full, true and correct copy of the 1895 authenticated roll for the same year. You decided that the applicant should be enrolled as a Creek citizen.

The testimony in this case does not show how the applicant obtained her Creek blood, but it is shown that her mother is Rhoda Freeman. Examination of the case of that party, No. 59 discloses that the names of both Rhoda Freeman and Lizzie Jones, her daughter, are on the pay roll of the Creek Nation of 1895, and she testified that she is a Creek Indian by blood, her father being a Negro and her mother a Creek Indian. She has never resided in the Creek Nation.

Argument has been filed by the attorneys for the Creek Nation, in which reference is made to sections 297 and 148 of the Creek Laws, in which it is stated that the applicant should be compelled to show that she was admitted to citizenship by some lawful authority of the Creek Nation prior to her enrollment; that the fact that her name appears on the 1895 pay roll is not sufficient to warrant her enrollment by your commission; that it must be concluded that her name was placed on that roll by fraud or without authority of law, and that, besides, she is barred from enrollment by virtue of said section 297 as she is an admitted citizen of the Choctaw Nation, and has never resided in the Creek Nation. In answer to this last contention, it is held that she had a right to elect, in accordance with the provisions of the act of June 28, 1898 (30 Stat., 495), to be enrolled in the Creek Nation.

If there had been any fault in connection with the placing of her name on the roll of 1940, the nation has had ample opportunity for proving it. The Department cannot presume that there was fault. Your decision is affirmed. A copy of the Acting Commissioner's letter is inclosed.

Respectfully,

Thos Ryan

Acting Secretary.

1 inclosure.

*No inclosure  
Holly*

Washington, Ind. Ter., May 1, 1902.

Lissie Wiley.

Vanderburgh, Ind. Ter.

Dear Madam:

You are hereby advised that the Secretary of the Interior, under date of April 19, 1902, affirmed the decision of the Commission, dated May 28, 1901, enrolling yourself and your two minor children, Magnolia and Robinson Wiley, as citizens of the Greek Nation.

Yours truly,

T. J. HENNING.

Commissioner in Charge.

Crack-60.

CCM.

Washington, Ind. Ter., May 24, 1901.

A. P. Mendenhall, Esq.,

U. S. Dept. of the Interior,

Washington, Ind. Ter.,

Washington, Ind. Ter.

Gentlemen:

You are hereby advised that the Secretary of the Interior, under date of April 19, 1901, affirmed the decision of the Commission, dated May 24, 1901, enrolling Charlie Wiley, and her two sister children, Magnolia and Robinson Wiley, as citizens of the Creek Nation.

Yours truly,

T. B. HARRISON

Commissioner in Charge.

Creek-60.

COH.

COMMISSIONERS:

HENRY L. DAWES,  
TAMS BIXBY,  
THOMAS B. NEEDLES,  
C. R. BRECKINRIDGE

DEPARTMENT OF THE INTERIOR,

COMMISSION TO THE FIVE CIVILIZED TRIBES.

ALLISON L. AYLESWORTH,  
SECRETARY

ADDRESS ONLY THE  
COMMISSION TO THE FIVE CIVILIZED TRIBES

Muskogee, Indian Territory,        1902.

Received on this date from the Commission to the Five  
Civilized Tribes a copy of the record of proceedings in the matter  
of the application of Lizzie Mikey et al. for enrollment as  
citizens of the Creek Nation.

A. P. McKeever

Attorney for Creek Nation.

Creek No. 60.

CR EN 61

CR EN 61



DEPARTMENT OF THE INTERIOR,  
COMMISSION TO THE FIVE CIVILIZED TRIBES,  
MUSKOGEE, INDIAN TERRITORY.

In the matter of the application of Ella Blanche Baker for the enrollment of herself as a citizen of the Creek Nation.

It appears from the record that on June 27, 1900, a decision was prepared denying the application for the enrollment of Ella Blanche Baker, under the provisions of section 21 of the act of Congress approved June 28, 1898, on the ground that she was a nonresident of the Indian Territory on said date.

Section 29 of the Creek agreement, ratified May 25, 1901, among other things, provides:

"Said commission shall have authority to enroll as Creek citizens \* \* \* \* \* such other recognized citizens found on the Creek rolls as might, by reason of nonresidence, be excluded from enrollment by section twenty-one of said Act of Congress approved June twenty-eighth, eighteen hundred and ninety-eight: Provided, That such nonresidents shall, in good faith, remove to the Creek Nation before said commission shall complete the rolls of Creek citizens as aforesaid."

The testimony taken in support of the application herein on July 27, 1901, shows that the applicant, Ella Blanche Baker, is clearly entitled to enrollment under the provision of law above quoted, and she is properly listed for enrollment on Creek Card, Field No. 3867.

It does not appear that the representatives of the Creek Nation have made any objection to the enrollment of the applicant herein and the transmission to the Department of the record in this case is therefore withheld in accordance with instructions of the Acting Secretary of the Interior, under date of February 1, 1902, as follows:

"Do not send records of evidence in Creek cases where you find the applicants are clearly entitled to enrollment and no objection is made by representatives of Creek Nation."

DEPARTMENT OF THE INTERIOR.  
COMMISSION TO THE FIVE CIVILIZED TRIBES.  
MUSKOGEE LAND OFFICE, JUNE 27, 1900.

In the matter of the application for enrollment as a citizen of the Creek Nation of Ella Blanche Baker.

Ella Blanche Baker, being first duly sworn by Acting Chairman Bixby, testifies as follows:

- Q What is your name? A Ella Blanche Baker.  
Q How old are you? A Twenty.  
Q What is your post office address? A Checotah, Indian Territory.  
Q How long have you lived at Checotah? A Nine months.  
Q Where did you live before you moved to Checotah? A Louisiana.  
Q You were born in Louisiana and lived there until you came to Checotah? A Yes sir.  
Q You are a married woman are you? A Yes sir.  
Q What was your name before you were married? A Ella Blanche Freeman.  
Q What is your father's name? A Lloyd Freeman.  
Q Is he living? A Yes sir.  
Q He is a white man? A Yes sir.  
Q What is your mother's name? A Josephine E. Freeman.  
Q She is living, is she? A Yes sir.  
Q Is she a Creek Indian? A Yes sir.  
Q Do you know whether or not your name is on the Creek Roll? A Not  
Q Do you know whether or not your name is on the Creek roll?  
A I know it is.  
Q What proportion of Indian blood do you claim to have in your veins?  
A One thirty second.  
Q Has your name ever appeared upon the tribal rolls of the Creek Nation? A Yes sir.  
Q You have drawn money, have you, as a Creek? A Yes sir.  
Q The money was drawn by a friend and sent to you? A Mamma was here.  
Q Your mamma drew it? A Yes sir.  
Q You were adopted by the Creek Council at the same time your mother was were you, in 1890? A Yes sir.  
Q You didn't come here at that time, did you? A No sir.  
Q When you came here nine months ago, that was the first time you were ever here in the Indian Territory, was it? A Yes sir.  
Q Why didn't you come to the Territory when you were, or immediately after you were admitted in 1890? A Parents didn't come here.  
Q Your parents didn't come, and so of course you could not very well come? A No sir.  
Q Your residence has always been the same as your parents? A Yes sir  
Q You have always lived at home until you were married? A Yes sir.  
Q Is your name Ella Blanche Freeman? A Yes sir.  
Q Is that the name you want to go by now? A Yes sir.

The authenticated roll of 1890, in the Creek Nation, examined, and the name of Ella Blanche Freeman found on page 214, in Tuskegee Town.

Enrollment refused. The same judgment applies as in the Josephine E. Freeman case.

Anna Bell, being duly sworn, testifies and says that as stenographer to the Commission to the Five Civilized Tribes, she reported in full the testimony in the above cause, and that the foregoing is a true and correct transcript of her stenographic notes in said cause.

Subscribed and sworn to before me this 18 day of July 1900.

*Anna Bell*

*Acting Chairman*

DEPARTMENT OF THE INTERIOR,  
COMMISSION TO THE FIVE CIVILIZED TRIBES,  
JUDGMENT RENDERED AND COPY  
MAILED APPLICANT.  
JUL 9 1900

*Acting Chairman*  
ACTING CHAIRMAN.

DEPARTMENT OF THE INTERIOR.

COMMISSION ON THE CREEK CIVILIZED TRIBES.


In the matter of the application of Ella Blanche Baker for enrollment as a citizen by blood of the Creek Nation.

FINDINGS.

After hearing all of the evidence in the matter of the application of Ella Blanche Baker for enrollment as a citizen by blood of the Creek Nation, this Commission finds that the said Ella Blanche Baker did not, prior to June 28th, 1906, remove to and in good faith reside in the Nation in which she claims citizenship, as provided by the Act of Congress, approved June 28th, 1906.

It is, therefore, the judgment of this Commission that the enrollment of the said Ella Blanche Baker as a citizen by blood of the Creek Nation, be and the same is, hereby refused by this Commission.

By the Commission,

  
Acting Chairman.

Muskogee, Indian Territory, June 27th, 1906.

DEPARTMENT OF THE INTERIOR.  
COMMISSION TO THE FIVE CIVILIZED TRIBES.  
MUSKOGEE, I. T. JULY 27, 1901.

IN THE MATTER OF THE APPLICATION OF Ella Blanche Baker for enrollment as a citizen of the Creek Nation under the agreement approved May 25, 1901.

Ella Blanche Baker, being first duly sworn by John G. Leiber, a notary public, testified as follows:

- Q As a citizen of what nation are you now making application for enrollment? A Creek Nation.
- Q What is your name? A Ella Blanche Baker.
- Q What is your age? A 21 years.
- Q What is your post office address? A Checotah, Indian Territory.
- Q Have you ever been recognized by the tribal authorities of the Creek Nation as a citizen of that nation? A Yes sir.
- Q Have you ever been enrolled by the tribal authorities as a citizen of the Creek Nation? A Yes sir.
- Q Does your name appear upon the tribal rolls of the Creek Nation? A Yes sir, it did before I was married.
- Q Where do you live? A Checotah.
- Q Do you make your residence there? A Yes sir.
- Q How long have you lived there? A Three years.
- Q Where did you live prior to that time? A In the state of Louisiana.
- Q How long did you live in the state of Louisiana? A I lived there until I was grown.
- Q What is the name of your father? A L. C. Freeman.
- Q Is he a citizen of the Creek Nation? A Yes sir.
- Q Is he living? A Yes sir.
- Q Is his name on any of the rolls of the Creek Nation? A No sir.
- Q Is he a United States citizen? A Yes sir.
- Q What is the name of your mother? A Josephine Freeman.
- Q Is she a citizen of the Creek Nation? A Yes sir.
- Q To what town in the Creek Nation does she belong? A Tuskegee Town.
- Q What town in the Creek Nation do you belong to? A Tuskegee Town.
- Q At what time did you move to the Indian Territory? A About 3 years ago.
- Q What month and year? A September 20, 1899.
- Q Does your name appear upon the 1890 authenticated roll of the Creek Nation? A Yes sir, I guess.
- Q Under what name were you enrolled on the 1890 roll? A Ella Blanche Freeman.
- The 1890 authenticated roll of the Creek Nation examined and the name of Ella Blanche Freeman found thereon, on page 214.
- Q Does your name appear upon the 1895 authenticated roll of the Creek Nation? A No sir.
- The 1895 pay roll, Tuskegee Town, examined and the name of Ella Blanche Freeman found thereon at No. 407. It appears, however, that Ella Blanche Freeman did not receive the payment of \$14.40 made in 1895.

The Constitution and Laws of the Muskogee Nation as compiled and certified by A. P. McKelton, under the Act of October 16, 1892, examined and the name of



E.B.Baker---2----

Ella Blanche Freeman found on page 104, in the list of persons to whom citizenship has been granted.

- Q Do you apply for anyone besides yourself? A No sir.  
Q Is there any additional statement in regard to your application that you desire to make at this time? A Not anything at all.

It also appears from the records of this Commission that on June 27, 1900, the application of Ella Blanche Baker for enrollment as a citizen of the Creek Nation was refused for the reason that said applicant was a non-resident of the Indian Territory prior to June 28, 1896, and did not in good faith remove to and settle in the Creek Nation in accordance with the provisions of the act of Congress approved June 28, 1896, (30 Stats. 495), which reads as follows:

"No person shall be enrolled who has not heretofore removed to and in good faith settled in the nation in which he claims citizenship."

You will be furnished at a later date with a copy of the decision of the Commission with reference to the application made by you at this time for enrollment as a citizen of the Creek Nation, which will be mailed to you at your present post office address as given in your testimony.

-----00-----

Kate DeBord, being first duly affirmed states, that as stenographer to the Commission to the Five Civilized Tribes, --she reported in full all proceedings had in the above entitled cause on the 27th day of July, 1901, and that the above and foregoing is a full, true and correct transcript of her stenographic notes of said proceedings on said date.

Kate DeBord.

Subscribed and affirmed to before me at Muskogee, I. T. this 30th day of July, 1901.

[Signature]

Commissioner in Charge

CR EN 62

CR EN 62



DEPARTMENT OF THE INTERIOR,  
COMMISSION TO THE FIVE CIVILIZED TRIBES,  
BUREAU OF LAND OFFICE, July 18, 1900.

The Matter of the Application of  
Vina Watson, Wife of  
John Watson, Head of the  
Creek Nation, for Enrollment as Citizens  
of the Creek Nation.

Applicant represented by  
L.R. Toomer, Esq.

BEFORE THE COMMISSION TO THE FIVE CIVILIZED TRIBES:

Vina Watson, being first duly sworn by Acting Chairman Bixby,  
testified as follows:

By Mr. Bixby:

Q What is your name? A Vina Watson.

Q How old are you? A I don't know.

Q Was you born before the war? A I was born in slavery time, before  
freedom.

Q Where do you live? A Across the Arkansas, in the Creek Nation.

Q How long have you been living in the Creek Nation? A Ever since I  
known myself as a child.

Q What is your postoffice address? A Wybark, I. T.

Q Are the children named in this application, living with you? A Yes,  
all but one of them; its staying with a cousin.

Q What is your mother's name? A Mahaley Cousins.

Q Are you the same woman who was admitted into citizenship in the  
Creek Nation as a freedman by the Bureau Commission in '96, in a case  
entitled Mahaley Cousins et al? A Yes sir.

Q What are the names and ages of your children? What is the name of  
the oldest? A I don't know.

Q Is she about 17 or 18 years old? A Yes, as far as I could guess.

Q What is the name of her father? A Bob Williams.

Q What is the name of the next child? A Bill Andrew.

Q How old is he? A I don't know exactly. He is the next.

Q What is the name of his father? A Bill Andrew.

- Q What is the name of the next child? A Gelia Rennie.  
 Q How old is Gelia? A She is over 12 or 13.  
 Q What is the name of the father of Gelia Rennie? A Charley Rennie.  
 Q What is the name of the next child younger? A Eddie Green.  
 Q What is his father's name? A Jeffrey Green.  
 Q How old is Eddie? A Eleven I guess.  
 Q What is the name of the next child? A David Warrior.  
 Q How old is David? A About 8 years.  
 Q Is that all the children you have got? A Yes, I have just got five.  
 Q Have you been married to any of these children's father? A No, I ain't married to but one.  
 Q Which one? A Eddie's father.  
 Q Were all these children born before your mother applied for citizenship for herself and her children in '96? A Yes sir.  
 Q Have these children's names ever been on the rolls of the Creek Nation? A Yes sir.  
 Q What rolls? A Canadian and Arkansas.  
 Q These children? A Yes, they have drawn money.  
 Q How is that? A They drew the money when I never did draw a nickel.  
 Q Was you ever on the rolls before '96? Was your name on the roll of '96? A No sir. I don't know.  
 Q How did your children's names get on the rolls if you are not on? A Because they had a right I reckon. They was drawing the money when I was not drawing a nickel; they was citizens.  
 Q Were they drawing money on account of their father's citizenship? A Yes, on account of their father's citizenship; that was what they was drawing money for.  
 Q Who were they enrolled with in '95? A Two of them was Canadian and the others Arkansas.  
 Q The two enrolled in the Arkansas District, who were they enrolled with? A Old man Joseph Thompson I reckon.  
 Q Do you know what names they were on the rolls? A No sir.  
 Q What name did they draw the money under? A Their father's name.  
 Q What children was it drew in Canadian Colored? A Eddie, Gelia and David.  
 Q Who drew in Arkansas town? A Rebecca Williams and William Adrew.

Mahaley Cousins, being first duly sworn by Acting Chairman Ex-  
 by, testified as follows:

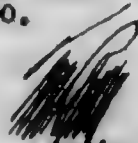
By Mr. Toomer:

- Q What is your name? A Mahaley Cousins.  
 Q Are you the same Mahaley Cousins that was admitted to the rolls by the Dawes Commission in '96? A I don't know what time it was; I was admitted by the Dawes Commission.  
 Q Are you the mother of Vinny? A Yes.  
 Q Do you know these children she is trying to have enrolled? A I know them all except one; I havn't seen Dave Warrior.  
 Q You know the others to be her children? A Yes sir.

Frances R. Brown, being first duly sworn, says that as stenographer to the Commission to the Five Civilized Tribes she reported the testimony of the above named witnesses, and that the foregoing is a true and complete translation of her stenographic notes.

*Frances R. Brown*

Subscribed in my presence and sworn to before me this  
 18th day of July, A. D., 1900.



Acting Chairman.

Department of the Interior,  
Commission to the Five Civilized Tribes,  
Okmulgee, Indian Territory, May 14, 1901.

In the matter of the application of Rebecca Williams and  
Eddie Green for enrollment as citizens of the Creek Nation.

Vina Watson being duly sworn testified as follows:

Examination by Acting Chairman Bixby.

Q What is your name? A Vina Watson.  
Q How old are you Vina? A I don't know sir, exactly how  
old I am.  
Q How old do you think you are? A I don't know sir. I  
know my husband is three years older than I am.  
Q Do you remember the big war? A I am not that old. I  
don't know anything about no war. I can't hardly tell how old I is.

J. H. Lewis being duly sworn testified as follows:

Q State your name? A J. H. Lewis.  
Q What is your age? A About 39 years old.  
Q Where do you live? A About three miles west of Wybark,  
Creek Nation, Indian Territory.  
Q See if you can refresh her memory as to her age. A When  
her father and mother come here she was a little girl about that  
high. I suppose she would be about ten or twelve years old and they  
have been here now about twenty years; something in that neighbor-  
hood.  
Q She gave her age two years ago as 32. She would be about  
thirty four now. (Ascertained from her enrollment card.)

Vina Watson recalled:

Q What is your post-office address? A Wagoner.  
Q How long have you lived in the Indian Territory? A I  
don't know, sir. I was brought up here. I never was out of the  
Creek Nation.  
Q You were admitted to citizenship in the Creek Nation by the  
Dawes Commission under the name of Vina Cousins were you not? A  
Yes sir.  
Q That was your name before you were married? A No sir.  
Q What was your name before you were married? A Green.  
Q You are now married to a man named Watson? A Yes sir.  
Q Do you know Rebecca Williams? A Yes sir.  
Q Is she your daughter? A Yes sir, she is my daughter.  
Q Who was her father? A Bob Williams.  
Q Was he a Creek freedman? A Yes sir.  
Q Were you married to him? A No sir.  
Q Your name was never on the roll of the Creek Nation before  
you were admitted by the Dawes Commission? A No sir, never on  
there before it was committed by the Dawes Commission.  
Q Do you know whether or not Rebecca Williams has ever been  
recognized by the tribal authorities of the Creek Nation as a Creek  
citizen? A Yes sir.  
Q Did she ever draw any money do you know? A Yes sir. I  
drawed money one time for her.  
Q When? A I don't know when that was.  
Q How much did you draw? A A four dollar draft. I didn't  
raise her. I didn't keep her with me. I sent her off and she staid  
until she was as big as she is now. I didn't keep her all the time.  
Q How long ago was that? A I don't know.

Rebecca Williams 2

Q How old is Rebecca? A Sixteen.

Q Did she draw the \$29.00? A I don't know. She was with Hannah Allen and I suppose she drew for her.

Q Did you draw the \$14.40 for her in 1895? A I just drew one time for her.

Q You just drew the \$4.00? A Yes sir.

Q You don't know what year that was do you? A No sir.

Q Was that in 1882? A I don't know, sir. I guess so.

Q How did it happen that you were never recognized by the tribal authorities of the Creek Nation as a citizen? A My mother was a doubtful citizen but the Dawes Commission recognized her as a citizen.

Q How did it happen that Rebecca got on the rolls and you didn't? A By her father being a citizen and I was a doubtful citizen.

Q Her father was a citizen but you weren't married to him? A I wasn't married to him. He was a citizen. I was no citizen until my mother got committed on the roll. I never drew for myself but drew for the children.

Q You drew the money for the children because their father was a Creek? A Yes sir, their father was a Creek.

Q How many different husbands have you had Vina? A I never had but one.

Q One lawful one? A Yes sir.

Q What was his name? A Jeff Green.

Q How many different names have you had? A Just one.

Q What was your name before you were married? A Austin.

Q What was the next name that you had? A I didn't have no next name but Green.

Q You were married to Green you say? A Yes sir.

Q What was the next name you had? A Watson.

Q Didn't you have the name of Cousins? A Yes sir.

Q And then Watson? A Yes sir.

Q That is four names? A Yessir.

Q Is that right? A Yes sir, I guess so.

Q How many different men have you lived with? A I never lived with but three - four.

Q Were you married at the time Rebecca was born? A No sir.

Q Had you been married? A No sir.

Q You hadn't married Mr. Green at the time Rebecca was born?

A No sir.

Authenticated roll of 1895, Arkansas Town, Creek Nation examined and on page 676 in the family of Abe Andy is found the name Becky.

Q Have you a child named Eddie Green? A Yes sir.

Q How old is Eddie? A About ten years old.

Q What was his father's name? A Jeff Green.

Q Was he a Creek freedman? A Yes sir.

Q Do you know whether his name is on the Dunn roll or not? A I don't know. His father drew and he drew.

Examination by Attorney for the applicant.

Q You stated you have lived in the territory all your life?

A Yes sir I was never out of the territory since my father brought me here. I never have been out of the Creek Nation.

Q You have children younger than these? A Yes sir.

Q They are new on the roll? A Yes sir.

Q You have taken allotments for yourself and those children?

A For the little baby and myself.

Rebecca Williams 3

Pay roll of 1898 Canadian colored Town, Creek  
Nation examined and the name of Eddie Green found  
at No. 2x 742.

Myra Young having been first duly sworn upon her oath  
states that as stenographer to the Commission to the Five Civilized  
Tribes she reported in full all proceedings had in the above  
entitled cause on the 14th day of May, 1901, and that the above and  
foregoing is a full, true and correct transcript of her steno-  
graphic notes of said proceedings on said date.

*Myra Young*

Subscribed and sworn to before me this 14th day of May, 1901, at  
Okmulgee, Indian Territory.

*Philip B. Hopkins*

Notary Public.



REPORT OF THE COMMISSIONER  
OF THE FIVE CIVILIZED TRIBES  
Held at Indian Territory, May 21, 1901

In the matter of the application of Vina Watson for the enrollment of her children Rebecca Williams and Edley Green.

The Andy being first duly sworn testified as follows:

Examination by Justice Charles E. Smith:

- Q What is your name? A Andy.
- Q How old are you? A About 45 years.
- Q What is your present place of abode? A Wynark, I. T.
- Q How long have you lived in the Creek Nation? A All my days.
- Q Are you a citizen of the Creek Nation? A Yes sir.
- Q Do you know Rebecca Williams? A Yes sir.
- Q Is Rebecca Williams your relation of yours? A No.
- Q Did you ever live with her? A Yes sir.
- Q What year did she live with you? A I don't remember what year.
- Q How long did she live with you? A She lived with me until she got grown. She came there a little girl and lived there until she got grown.
- Q Where did she go after she left your house? A Went to her mother down near Baker, Muskogean.
- Q You couldn't recollect what year it was she left your house? A No sir.
- Q Did she live with you at the time of the \$14.40 payment? A Yes, she was living with me then.
- Q Who drew the money for her at that payment? A I did.
- Q What did you do with that money? A Carried it home.
- Q Did you give it to Rebecca? A I give it to Hannah, my wife.
- Q Was your wife any relation to Rebecca? A Yes.
- Q What relation? A About second cousin I guess.
- Q How old is Rebecca? A I don't know.
- Q Is she a grown woman? A Yes sir.
- Q Did she draw the \$20? A Not as I know of; she was not with me when they drew the \$20; I didn't draw that; I drew the \$14.40.
- Q Do you know Edley Green? A Yes sir.
- Q Is he a brother to Rebecca? A Yes sir.
- Q Full brother? A No.
- Q Who is Edley Green's mother? A Her name is Vina Watson.
- Q You don't know anything about Edley Green's enrollment do you? A No sir.
- Q Do you know his father? A No, don't know his father.
- Q Do you know whether Vina Watson and Edley Green's father were married or not. No, I don't.

Frances R. Brown having been first duly sworn upon oath states that as stenographer to the Commission to the Five Civilized Tribes she reported in full all proceedings had in the above entitled cause on the 21st day of May, 1901, and that the above and foregoing is a full, true and correct transcript of her stenographic notes of said proceedings on said date.

Subscribed and sworn to before me this 22 day of May 1901.

Justice Charles E. Smith  
Noting Chairman.

DEPARTMENT OF THE INTERIOR,  
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application of Vina Watson for the enrollment of her minor children, Rebecca Williams and Edy Green as citizens of the Creek Nation.

D E C I S I O N .

It appears from the record in this case that on May 14, 1901, Vina Watson appeared before this Commission at Okmulgee, Indian Territory, and made application for the enrollment of her two minor children, Rebecca Williams and Edy Green as citizens of the Creek Nation; that the said Vina Watson was admitted to citizenship by this Commission in 1898, in accordance with the provisions of the Act of Congress approved June 10, 1896, (29 Stats., 321), and that no application was made at that time for the admission to citizenship of the said minor children.

It further appears that the fathers of said minor children were recognized citizens of the Creek Nation, and that said children have heretofore been recognized as citizens of said nation; that the name of Rebecca Williams is found upon the authenticated 1895 census roll of Arkansas Town, and that the name of Edy Green is found upon the 1895 pay roll of Canadian Town.

It is therefore the opinion of this Commission that said Rebecca Williams and Edy Green should be enrolled as citizens of the Creek Nation in accordance with the provisions of the Act of Congress approved June 28, 1898 (30 Stats., 498), and it is so ordered.

Commission to the Five Civilized Tribes.

Dated at Okmulgee, Indian Territory,  
this 24th day of May, 1901.

Acting Chairman.

Commissioner.

Commissioner.



C O P Y  
Muskogee, Indian Territory, January 17, 1902.

The Honorable,

The Secretary of the Interior.

Sir:

There is herewith enclosed the record of proceedings in the matter of the application of Vina Watson for the enrollment of her two minor children Rebecca Williams and Eddie Green as citizens of the Creek Nation, including the decision of the Commission dated the 22d day of May, 1901, enrolling said Rebecca Williams and Eddie Green as citizens of said nation.

Respectfully,

T. B. Needles.

Commissioner in Charge.

Through the Commissioner  
of Indian Affairs.

1 enclosure  
Creek-62.

C O P Y .

Muskogee, Indian Territory, January 17, 1908.

Vina Watson,

Vybank, Indian Territory.

Madam:-

There is enclosed herewith a copy of the decision of the Commission to the Five Civilized Tribes in the matter of the application made by you for the enrollment of your two minor children, Rebecca Williams and Eddie Green as citizens of the Creek Nation.

The decision, with a copy of the proceedings had in the case, is this day forwarded to the Secretary of the Interior for his review and decision. The final decision of the Secretary will be made known to you as soon as the Commission is informed of the same.

Yours truly,

T. B. Needles.

Commissioner in Charge.

1 enclosure.  
V.W.  
Registered.

C O P Y .

Muskogee, Indian Territory. January 17, 1902.

L. R. Turner, Esq.,

Attorney for Vina Watson,

Muskogee, Indian Territory.

Dear Sir:

There is herewith enclosed a copy of the decision of the Commission to the Five Civilized Tribes in the matter of the application made by Vina Watson for the enrollment of her two minor children, Rebecca Williams and Eddie Green as citizens of the Creek Nation.

The decision, with a copy of the proceedings had in the case, is this day transmitted to the Secretary of the Interior for his review and decision. The final decision of the Secretary will be made known to you as soon as the Commission is advised of the same.

Yours truly,

T. B. Needles

Commissioner in Charge.

1 enclosure  
L.R.T.  
Registered

C O P Y .

Muskogee, Indian Territory, January 17, 1902.

A. P. McKelley, Esq.,

H. E. Reed, Esq.,

Muskogee, Indian Territory.

Gentlemen:

There is herewith enclosed a copy of the decision of the Commission to the Five Civilized Tribes in the matter of the application made by Vina Watson for the enrollment of her two minor children, Rebecca Williams and Eddy Green as citizens of the Creek Nation.

The decision, with a copy of the proceedings had in the case, is this day transmitted to the Secretary of the Interior for his review and decision. The final decision of the Secretary will be made known to you as soon as the Commission is informed of the same.

Yours truly,

T. B. Needles.

Commissioner in Charge.

1 enclosure.  
McK & R. (16)  
Registered.

Land  
4005-1902.

Copy  
DEPARTMENT OF THE INTERIOR,  
OFFICE OF INDIAN AFFAIRS.  
WASHINGTON, January 30, 1902.

The Honorable,  
The Secretary of the Interior.

Sir:

There is inclosed herewith a report dated January 17, 1902, from R. B. Needles, Esq., Commissioner in Charge of the work of the Dawes Commission, transmitting for the department's consideration the record in the matter of the application of Vina Watson for the enrollment of her children, Rebecca Williams and Eddie Green, as citizens of the Creek Nation.

On May 22, 1901, the Commission rendered its decision in this case, as follows:

"It appears from the record in this case that on May 14, 1901, Vina Watson appeared before this Commission at Okmulgee, Indian Territory, and made application for the enrollment of her two minor children, Rebecca Williams and Eddie Green as citizens of the Creek Nation; that the said Vina Watson was admitted to citizenship by this Commission in 1896, in accordance with the provisions of the act of Congress approved June 10, 1896 (29 Stats., 321), and that no application was made at that time for the admission to citizenship of the said minor children.

It further appears that the fathers of said minor children were recognized citizens of the Creek Nation, and that said children have heretofore been recognized as citizens of said nation; that the name of Rebecca Williams is found upon the authenticated 1895 census roll of the Arkansas town, and that the name of Eddie Green is found upon the 1895 (pay a roll of Canadian town;

It is therefore the opinion of this Commission that said Rebecca Williams and Eddy Green should be enrolled as citizens of the Creek Nation in accordance with the provisions of the act of Congress approved June 28, 1898 (30 Stats., 495), and it is so ordered."

From an examination of the record in this case the office is convinced that the Commission's decision is correct, and it is therefore respectfully recommended that same be approved.

Very Respectfully

Your Obedient Servant,

W.A. Jones,

Commissioner.

GAW  
D

inclosures.

LRS  
I.T.D. 653-1902

(Copy)  
DEPARTMENT OF THE INTERIOR,  
WASHINGTON,

April 22, 1902.

Commission to the Five Civilized Tribes,

Muskogee, I.T.

Gentlemen:

January 30, 1902, the Acting Commissioner of Indian Affairs transmitted to the Department therecord in the matter of the application of Vina Watson for the enrollment of her minor children, Rebecca Williams and Eddie Green, as citizens of the Creek Nation, recommending that your decision in favor of applicants be concurred in.

You state in your decision that said Vina Watson was admitted to citizenship in the Creek Nation by your commission in 1896, but no application was then made for the admission of her minor children. It is shown that the fathers of these children were recognized citizens of said nation, and that said children had been "recognized" as citizens thereof; that the name of Rebecca Williams is found upon the 1895 authenticated census roll, of Arkansas town, and that the name of Eddie Green is found upon the 1895 pay roll of Canadian town, Creek Nation.

An argument by the Attorneys for the Creek Nation has been filed, in which it is asserted that these applicants are colored persons who claim their rights under the treaty of 1866 (14 Stats., 785), and that it is not shown that they are descendants of persons on the Dunn Roll mentioned in the act of June 28, 1898 (30 Stats., 495); that it is not shown how their names were placed upon the rolls of 1895. Reference is made to section 148 of the Creek laws. It is contended that it is obligatory upon applicants to show that their rights to citizenship had been determined by lawfully constituted authority of the Creek Nation prior to the time their names were placed upon said rolls; that it must necessarily be concluded that their enrollment in 1895 was procured by fraud or without authority of law.

The Department has stated in several cases lately disposed of, that it will not reject an application upon a mere presumption of fraud where the party's name is found upon such rolls of the nation. If there was any irregularity in the enrollment of these children in 1895, the nation has had ample time to prove the fact. Your decision is affirmed. A copy of the Acting Commissioner's letter is inclosed.

Respectfully,

Thos Ryan

Acting Secretary.

1 inclosure.

(COPY)

Muskogee, Ind.Ter., May 7, 1902.

Miss Watson,

Wybark, Ind.Ter.

Dear Madam:

You are hereby advised that the Secretary of the Interior, under date of April 23, 1902, affirmed the decision of the Commission, dated May 23, 1901, enrolling Rebecca Williams and Edna Green, your minor children, as citizens of the Creek Nation.

Yours truly,

T. B. HENKLES.

Commissioner in Charge.

Creek-62.

OCH.



(0034)

Muskogee, Ind.Ter., May 7, 1908.

L. R. Yeomer, Esq.,

Attorney for Vina Watson,

Muskogee, Ind.Ter.

Dear Sir:

You are hereby advised that the Secretary of the Interior, under date of April 22, 1908, affirmed the decision of the Commission, dated May 22, 1901, enrolling Rebecca Williams and Eddy Green, minor children of Vina Watson, as citizens of the Creek Nation.

Yours truly,

T. B. HINDLES.

Commissioner in Charge.

Creek-62.

OOH.

(COPY)

Muskogee, Ind. Ter., May 7, 1908.

A. P. McKillop, Esq.,

E. C. Reed, Esq.,

Attorneys for Creek Nation,

Muskogee, Ind. Ter.

Gentlemen:

You are hereby advised that the Secretary of the Interior, under date of April 28, 1908, affirmed the decision of the Commission, dated May 22, 1901, enrolling Rebecca Williams and Mary Green, minor children of Vina Watson, as citizens of the Creek Nation.

Yours truly,

T. B. KENDALL.

Commissioner in Charge.

Creek-62.

GGK.

COMMISSIONERS:

HENRY L. DAWES,  
TAMM BIRBY,  
THOMAS B. NEEDLES,  
C. R. BRECKINRIDGE.

DEPARTMENT OF THE INTERIOR,

COMMISSION TO THE FIVE CIVILIZED TRIBES.

ALLISON L. AYLESWORTH,  
SECRETARY

ADDRESS ONLY THE  
COMMISSION TO THE FIVE CIVILIZED TRIBES

Muskogee, Indian Territory, FEB 1 1902, 1902.

Received on this date from the Commission to the Five  
Civilized Tribes a copy of the record of proceedings in the matter  
of the application of Vina Watson for the enrollment of Rebecca  
Williams and Eddy Green as citizens of the Creek Nation.

A. P. M. Keever

Attorney for Creek Nation.

Creek No. 62.

Creek Case #42.

Muskogee, Indian Territory, September 19, 1902.

Postmaster,

Wybark, Indian Territory.

Dear Sir:

On January 17, 1902, there was mailed from the office of the Commission to the Five Civilized Tribes, at Muskogee, Indian Territory, a registered letter addressed to Vina Watson, Wybark, Indian Territory, and same has neither been returned nor receipted for, to date. If uncalled for, return to the Commission.

Respectfully,

Acting Chairman.

CR EN 63

CR EN 63

DEPARTMENT OF THE INTERIOR,  
COMMISSION TO THE FIVE CIVILIZED TRIBES,  
MUSKOGEE, I. T., JULY 26th, 1900.

IN THE MATTER OF the application of Lou Cat, for enrollment  
enrollment as a citizen of the Creek Nation.

EDMOND HARRY, being sworn by Acting Chairman Bixby, testified as  
follows:--

(By Commission)

- Q What is your name? A Edmond Harry.  
Q How old are you? A I must be about 50 or 60.  
Q What town do you belong to? A Taskagee.  
Q What is your post office address? A Bristow.  
Q Do you know the applicant, Lou Cat? A Yes sir.  
Q How old is she? A Nine years old; she may have been older than  
that.  
Q Who is Lou Cat's father? A Monday Cat.  
Q Is he a citizen of the Creek Nation? A Yes sir.  
Q Is he on the tribal rolls of the Creek Nation? A I don't know;  
they belonged to our town.  
Q Is he living? A No, he is dead.  
Q Was he a Creek Freedman? A Yes sir.  
Q Who was the mother of Lou Cat? A Tilda Bruner.  
Q Is she living? A Yes sir, she is living.  
Q Is her name on the tribal rolls of the Creek Nation? A Yes sir.  
Q To what town in the Creek Nation does she belong? A Taskagee.  
Q Does her name appear upon the authenticated rolls of the Creek  
Nation? A Yes sir.  
Q Have you ever held any official position in the Creek Nation?  
A Yes, off and on; I used to be private light horse, sometimes  
member of the house, and sometime light horse captain, and police-  
man; I am now.  
Q Did you represent Taskagee town in the house of Kings at one time  
A Yes sir.  
Q Do you know anything about the payments that were made to Lou Cat  
by the Creek Nation? A Yes sir.  
Q Did you have anything to do with making up the rolls for them,  
that town in 1890? A Yes sir.  
Q Did you suppose that you had placed upon the rolls of Taskagee  
town in 1890, the name of Lou Cat? A Yes sir.

The authenticated roll of Taskagee town for 1890 being ex-  
amined, the name of John Cat was found thereon, on page 212.

- Q Was there such a person living at that time, in reality, by the  
name of John Cat? A When we were putting down these children's  
names, the citizens of that town, the rolls, there wasn't none from  
Tildy's family when we were putting on the roll; we found out  
there was a kid there born, but didn't know whether a girl or boy.  
There was no one from that family to tell whether a boy or girl;  
we put down John Cat, and put it in with Aleck McKee and Bet;  
put it in with them two.  
Q You identify the John Cat whose name appears on the 1890 au-  
thenticated roll of Taskagee town with the names of Bet and Aleck  
McKee, as Lou Cat? A Yes sir.

-2-Q You placed those names on the 1890 authenticated roll yourself? A I was sitting there when the Clerk done it.  
Q According to the best of your understanding, John Bruner, the son of Mary Bruner was not born at the time of the 1890 payment?  
A I don't think it was.

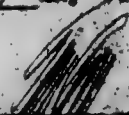
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E. Hastain, being duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes, he reported the above case and that the foregoing is a true, full and correct transcript of her stenographic notes taken in said case.

*E. Hastain*

---

Sworn to and subscribed in my presence this 24 day of July, 1900  
at Muskogee, Indian Territory.

  
Acting Chairman.



153

DEPARTMENT OF THE INTERIOR,  
COMMISSION TO THE FIVE CIVILIZED TRIBES.  
MUSKOGEE, I.T., Sept. 21, 1900.

In the matter of the application of Matilda Cat for the enrollment of her daughter, Lou Cat as a citizen by blood of the Muskogee Nation.

MATILDA CAT, being duly sworn, testified as follows:

- Q What is your name? A Matilda Cat.  
Q Are you a citizen of the Muskogee Nation? A Yes sir.  
Q What town do you belong to? A Taskgee.  
Q Are you the mother of the applicant, Lou Cat? A Yes sir.  
Q Did she draw the 1890 payment or the \$29? A Yes sir.  
Q What name did she draw it under? A I don't know, but  
E Her name was with my sister, Bettie McNac and Alex McNac.  
Q What relation are Alex and Bettie McNac to you? A My brother  
and sister.  
Q Is there anyone in your family or with your brother and sister  
Bettie and Alex McNac by the name of John Cat? A No sir.  
Q Did you draw the \$14.40 for Lou Cat? A Yes sir.  
Q Under what name did you draw it for her? A Lou.  
Q Is there anyone in your family or anyone that you drew the \$14.00  
for by the name of Lee Cat? A No sir, that is the same name as  
Lou though. They put it down Lee.  
Q Did you draw the \$14.40 for Lou Cat? A Yes sir.  
Q How old is your grand son, John Cat, for whom you drew the  
1895 payment or \$14.40? A About 10 years old.  
Q Was he born before the 1890 payment? A He was born after the  
\$29 payment.

-----O-----

E. Hastain, having first been duly sworn, upon his oath states that as stenographer to the Commission to the Five Civilized Tribes, he reported in full all proceedings had in the above entitled cause on the 21st day of Sept. 1900, and that the above and foregoing is a full, true and correct transcript of his stenographic notes in said cause.

E. Hastain

Subscribed and sworn to before me this 3 day of Oct  
1900 at Muskogee, Indian Territory.

L. L. Emerson  
Notary Public

DEPARTMENT OF THE INTERIOR  
COMMISSION TO THE FIVE CIVILIZED TRIBES.

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In the matter of the application of Matilda Cat for the enrollment of her daughter, Lou Cat as a citizen of the Creek Nation.

DECISION.

It appears from the records in this case that on July 26th, 1900, Matilda Cat appeared before the Commission to the Five Civilized Tribes and made application for the enrollment of her daughter, Lou Cat as a citizen of the Creek Nation; that testimony of witnesses was also introduced on September 21st, 1900.

It also appears that Lou Cat was born prior to 1890 and that her name appears upon the 1890 authenticated roll of the Creek Nation at page 212 under the name of John Cat, and upon the 1895 pay-roll of Tuskegee Town at number 237.

It further appears that Matilda Cat, the mother of the applicant is a citizen by blood of the Creek Nation and enrolled on new Creek Census Card, Field number 1337.

It is, therefore, the opinion of this Commission that Lou Cat is a citizen by blood of the Creek Nation, and that she should be listed for enrollment as a citizen of the Creek Nation in accordance with the provisions of Section Twenty-one of the Act of Congress approved June 28th, 1898 (30 Stat., 495), and it is so ordered.

The Commission to the Five Civilized Tribes.

  
Acting Chairman.

Dated at Okmulgee, Indian Territory,  
this the 13 day of March, A. D., 1901.

  
Commissioner.

  
Commissioner.

(COPY)

Muskogee, Indian Territory, January 17, 1902.

The Honorable,

The Secretary of the Interior.

Sir:

There is herewith transmitted the record of proceedings in the matter of the application of Matilda Cat for the enrollment of her daughter, Lou Cat, as a citizen of the Creek Nation, including the decision of the Commission, dated March 13, 1901, enrolling said applicant as a citizen of said nation.

Respectfully,

T.B.Needles.

Commissioner in charge.

1 enclosure  
Creek 63.

Through the Commissioner  
of Indian Affairs.

(COPY)

Muskogee, Indian Territory, January 17, 1902.

Matilda Cat,

Bristow, Indian Territory.

Dear Madam:

There is herewith enclosed a copy of the decision of the Commission to the Five Civilized Tribes in the matter of the application made by you for the enrollment of your daughter, Lou Cat, as a citizen of the Creek Nation.

The decision, with a copy of the proceedings had in the case, is this day transmitted to the Secretary of the Interior for his review and decision. The final decision of the Secretary will be made known to you as soon as the Commission is informed of the same.

Yours truly,

T. B. Needles.

Commissioner in charge.

1 enclosure  
MC-63.  
Registered.

(COPY)

Muskogee, Indian Territory, January 17, 1902.

A. P. McKellop, Esq.,

H. G. Reed, Esq.,

Attorneys for Creek Nation,

Muskogee, Indian Territory.

Gentlemen:

There is herewith enclosed a copy of the decision of the Commission to the Five Civilized Tribes in the matter of the application for the enrollment of Lou Cat as a citizen of the Creek Nation.

The decision, with a copy of the proceedings had in the case, is this day transmitted to the Secretary of the Interior for his review and decision. The final decision of the Secretary will be made known to you as soon as the Commission is informed of the same.

Yours truly,

T.B. Needles.

Commissioner in charge.

1 enclosure  
MAR-63.  
Registered.

(COPY)

Herein in reply to the following:

Land.  
4095-1902.

Department of the Interior,  
Office of Indian Affairs,  
Washington, January 29, 1902.

The Honorable

The Secretary of the Interior.

Sir:

There is inclosed herewith a report dated January 17, 1902, from T. B. Needles, Esq., Commissioner in charge of the work of the Dawes Commission, transmitting for the Department's consideration the record relative to the application of Matilda Cat for the enrollment of her daughter, Lou Cat as a citizen of the Creek Nation.

March 13, 1901, the Commission rendered the following decision in this case, to wit:

"It appears from the records in this case that on July 26th, 1900, Matilda Cat appeared before the Commission to the Five Civilized Tribes and made application for the enrollment of her daughter, Lou Cat as a citizen of the Creek Nation; that testimony of witnesses was also introduced on September 21st, 1900.

"It also appears that Lou Cat was born prior to 1890 and that her name appears upon the 1890 authenticated roll of the Creek Nation at page 212 under the name of John Cat, and upon the 1895 pay-roll of Tuskegee Town at number 237.

"It further appears that Matilda Cat, the mother of the applicant is a citizen by blood of the Creek Nation, and that

"she should be listed for enrollment as a citizen of the Creek Nation in accordance with the provisions of section twenty-one of the act of Congress approved June 28th, 1898 (30 Stats., 495), and it is so ordered."

The office has examined the record in the case, agrees with the decision reached by the Commission and respectfully recommends its approval.

Very respectfully,

Your obedient servant,

W. A. Jones,

Commissioner.

GAW  
D

3 inclosures.



(COPY)

D.C.No.2106-1902.

8509.

T.P.  
F.

Department of the Interior.

Washington.

I.T.D. 627-1902.

February 5, 1902.

L.R.S.

Commission to the Five Civilized Tribes,

Muskogee, I. T.

Gentlemen:

The Department has considered the application of Matilda Cat for the enrollment of her daughter, Lou Cat, as a citizen of the Creek Nation, received with the Commissioner of Indian Affairs' letter of January 29, 1902, in which he recommends that your decision be approved. A copy of his letter is inclosed. Your decision was in favor of the applicant.

It is shown that Lou Cat's name appears upon the 1890 authenticated roll of the Creek Nation under the name of "John Cat," and upon the 1895 pay roll of Tuskegee Town; that Matilda Cat is a citizen by blood of the Creek Nation.

This is one of the cases mentioned by the attorneys of the Creek Nation in their communication of January 29, 1902, the subject of departmental letter of February 4, 1902, to which they make no objection.

Your decision is affirmed.

1 inclosure.

Respectfully,

Thos. Ryan, Acting Secretary  
EMD.

COMMISSIONERS,  
HENRY L. DAWES,  
TAMM BIXBY,  
THOMAS B. NEEDLES,  
C. R. BRACKENRIDGE.

ALLISON L. AYLESWORTH,  
SECRETARY.

DEPARTMENT OF THE INTERIOR,  
COMMISSION TO THE FIVE CIVILIZED TRIBES.

(COPY)

ADDRESS ONLY THE  
COMMISSION TO THE FIVE CIVILIZED TRIBES

Muskogee, Indian Territory, February 15, 1902.

Matilda Gat,

Bristow, Indian Territory.

Dear Madam:

You are hereby advised that the Secretary of the Interior, under date of February 5, 1902, affirmed the decision of the Commission, dated March 13, 1901, enrolling your daughter, Lou Gat, as a citizen of the Creek Nation.

Yours truly,

T.B.Needles.

Commissioner in Charge.

COMMISSIONERS:  
HENRY L. DAVIS.  
TAMM BIZST.  
THOMAS B. NEEDLES.  
C. R. BRACKENRIDGE.

ALLISON L. AVLESWORTH.  
SECRETARY.

DEPARTMENT OF THE INTERIOR,  
COMMISSION TO THE FIVE CIVILIZED TRIBES.

(COPY)

ADDRESS ONLY THE  
COMMISSION TO THE FIVE CIVILIZED TRIBES

Muskogee, Indian Territory, February 15, 1902.

A. P. McKellop, Esq.,

H. O. Reed, Esq.,

Attorneys for Creek Nation,

Muskogee, Indian Territory.

Gentlemen:

You are hereby advised that the Secretary of the Interior, under date of February 5, 1902, affirmed the decision of the Commission, dated March 15, 1901, enrolling Lou Gat, the daughter of Matilda Gat, as a citizen of the Creek Nation.

Yours truly,

T.B.Needles.

Commissioner in Charge.

COMMISSIONERS:

HENRY L. DAWES,  
TAMM BIXBY,  
THOMAS B. NEEDLES,  
C. R. BRECKINRIDGE.

ALLISON L. AYLESWORTH,  
SECRETARY.

DEPARTMENT OF THE INTERIOR,

COMMISSION TO THE FIVE CIVILIZED TRIBES.

ADDRESS ONLY THE  
COMMISSION TO THE FIVE CIVILIZED TRIBES

Muskogee, Indian Territory, FEB 1 1902 1902.

Received on this date from the Commission to the Five Civilized Tribes a copy of the record of proceedings in the matter of the application of Lou Gat for enrollment as a citizen of the Creek Nation.

A. P. M. Healey

Attorney For Creek Nation.

Creek No. 63.

CR EN 64

CR EN 64

DEPARTMENT OF THE INTERIOR,  
COMMISSION TO THE FIVE CIVILIZED TRIBES,  
MUSKOGEE, INDIAN TERRITORY.

In the matter of the application of David W. Haines for the enrollment of himself as a citizen of the Creek Nation.

It appears from the record that on May 24, 1901, a decision was prepared denying the application for the enrollment of David W. Haines, under the provisions of section 21 of the act of Congress approved June 28, 1898, on the ground that he was a nonresident of the Indian Territory on said date.

Section 29 of the Creek agreement, ratified May 25, 1901, among other things, provides:

"Said commission shall have authority to enroll as Creek citizens \* \* \* \* such other recognized citizens found on the Creek rolls as might, by reason of nonresidence, be excluded from enrollment by section twenty-one of said Act of Congress approved June twenty-eighth, eighteen hundred and ninety-eight: Provided, That such nonresidents shall, in good faith, remove to the Creek Nation before said commission shall complete the rolls of Creek citizens as aforesaid."

The testimony taken in support of the application herein on June 4, 1901, shows that the applicant, David W. Haines, is clearly entitled to enrollment under the provision of law above quoted, and he is properly listed for enrollment on Creek Card, Field No. 3377.

It does not appear that the representatives of the Creek Nation have made any objection to the enrollment of the applicant herein and the transmission to the Department of the record in this case is therefore withheld in accordance with instructions of the Acting Secretary of the Interior, under date of February 1, 1902, as follows:

"Do not send records of evidence in Creek cases where you find the applicants are clearly entitled to enrollment and no objection is made by representatives of Creek Nation."

Mr. Angell:

Prepare judgment refusing enrollment on account of non-residence, and quote paragraph of law in the judgment.

Have a copy of the testimony and judgment mailed in a registered letter to Mr. Haynes at Tuskegee, in care of Capt. W. B. Severs.

Fixby.



DEPARTMENT OF THE INTERIOR,  
COMMISSION TO THE FIVE CIVILIZED TRIBES,  
MUSKOGEE LAND OFFICE, July 27, 1900.

In the Matter of the Application of :  
David W. Haynes for Enrollment as a :  
Citizen of the Creek Nation. :  
: :  
-----: :

BEFORE THE COMMISSION TO THE FIVE CIVILIZED TRIBES:

David W. Haynes, being first duly sworn by Acting Chairman  
Bixby, testified as follows:

By Mr. Bixby:

- Q What is your name? A David W. Haynes.  
Q What is your age? A 34 years.  
Q What is your postoffice address? A I suppose it would be Muskogee.  
Boarding at different places I have no regular postoffice address.  
Q Where do you live? A That is hard to answer. I am in and out all  
the time traveling. I claim my headquarters at Muskogee. Captain  
Severs is my home.  
Q Where were you born? A I was born in Concharty; I don't know  
whether there is any other town name for it or not. A  
Q That is the name, but there are no definite limits to that town.  
The Concharty Indians live all over the Territory.  
A I was born near Capt. Sever's old place in the Creek nation.  
Q How long did you live in the Creek Nation after your birth?  
A About four and a half years.  
Q Where did you go then? A Connecticut.  
Q How long did you remain in Connecticut? A I remained there until  
I was about 17 years.  
Q Where did you go then? A I went to Hartford, and I was in Hart-  
ford about two and a half or three years.  
Q That brings us up to what year? What year did you leave Hartford?  
A That would bring it down to about '83.  
Q Where did you go then? A New York City.  
Q How long did you remain in New York city? A That was my head-  
quarters until about ten years ago, and then I came out here and  
staid here several months.  
Q How many months? A Some four or five months.  
Q That was in '90? Then where did you go? A Then I went back to  
New York City again.  
Q When did you next come to the Ind. Ter.? A Last season.  
Q The summer of '99? A Yes sir.  
Q Did you ever vote in New York? A Never voted anywhere.  
Q Did you ever own any property in New York? A No sir.  
Q Did you ever own any property in the Indian Territory? A Nothing  
except my folk's place.  
Q What interest did you have in your folk's place? A The interest  
that was left to me.  
Q What have you done with it? A There has been people on it by the  
direction of Capt. Severs. Just how it has been run, I can't say.  
Q Have you ever expended any money on it? A Not personally, no.  
Q What is your father's name? A Newton Haynes.  
Q Is he living or dead? A Dead.  
Q What is your mother's name? A Kishah Haynes--Anderson, it used  
to be.  
Q Was your father a white man or Indian? A white man.  
Q Was your mother an Indian? A Yes sir.

- Q Was she a recognized citizen of the tribe? A Yes sir.  
 Q What town did she belong to? A Conchartry.  
 Q She is dead? A Yes sir.  
 Q How long ago did she die? A She died in '70.  
 Q You are a single man? A Yes sir.  
 Q Is your name on the rolls of the Creek nation? A I think I was registered some three years ago.

Rolls examined and upon the authenticated roll of '90 page 86, Conchartry town, is found the name of Miller Haynes. The name of Willie or D. W. Haynes does not appear on this roll. Examination is also made of the authenticated roll of '95 of the Creek Nation, Conchartry town, and on page 1 is found the name of Miller Haynes. The name of Willie Haynes or D. W. Haynes does not appear upon this roll.

- Q Did you ever draw any money in the Creek Nation? A I have drawn all of it through Capt. Severs.  
 Q He drew it for you? A Yes, he is drawn it all.

Capt. F. B. Severs, being first duly sworn by Acting Chairman Bixby, testified as follows:  
 By Mr. Bixby:

- Q What is your name? A F. B. Severs.  
 Q What is your age? A 65 in August.  
 Q Where do you live? A Muskogee.  
 Q That is your postoffice address? A Yes sir.  
 Q You are a citizen of the Creek Nation, are you? A I am.  
 Q Do you know D. W. Haynes? A I know him.  
 Q Did you know who his father and mother were? A I did.  
 Q His father was a white man? A Yes sir.  
 Q And his mother an Indian? A Yes sir.  
 Q What was her name? A Kisiah Anderson.  
 Q The '90 authenticated roll of the Creek Nation, page 86, shows that a certain Miller Haynes is enrolled with your family. Do you know who Miller Haynes is? A That is the same man. It should have been Willie Haynes.  
 Q You know of no Miller Haynes? A No sir.  
 Q There is no Miller Haynes in your family? A No sir.  
 Q Were you in a habit of enrolling with your family, Willie Haynes or D. W. Haynes? A We generally put it down D. W. Haynes---  
 Q Eliminating the question of the first name, I wish to ask you if you were in a habit of enrolling in your family this party, D. W. Haynes, or Willie Haynes? A Yes sir.  
 Q I find on the authenticated roll of '95 for Conchartry town, that a certain Miller Haynes is again enrolled with you and your family; do you know who that party is? A I don't know any Miller Haynes; I know Willie.  
 Q This Miller Haynes is intended for D. W. or Willie Haynes? A Yes.  
 Q Did you draw D. W. Haynes' money at the payments? A I did at two payments, yes.

Frances R. Brown being first duly sworn, says that as stenographer to the Commission to the Five Civilized Tribes, she reported the testimony of the above mentioned witnesses, and that the foregoing is a true and complete translation of her stenographic notes in said matter.

Susbscribed and sworn to before me this 27th day of July, A. D., 1900.

*Frances R. Brown*  
 Acting Chairman.

DEPARTMENT OF THE INTERIOR,  
COMMISSION TO THE FIVE CIVILIZED TRIBES.

IN THE MATTER OF the application of David W. Haynes, for enrollment as a citizen of the Muskogee Nation.

-----00(100)-----

J U D G M E N T .

After hearing all the evidence in the matter of the application of David W. Haynes, for enrollment as a citizen by blood, of the Creek Nation, this Commission finds that the said David W. Haynes did not, prior to June 28th, 1898, remove to and in good faith settle in the nation in which he claims citizenship, as provided by paragraph Nine (9), of section twenty-one (21) of an act of Congress entitled "An Act for the protection of the people of the Indian Territory, and for other purposes", approved June 28th, 1896, which reads as follows, to-wit: "No person shall be enrolled who has not heretofore removed to and in good faith settled in the nation in which he claims citizenship; Provided, however, that nothing contained in this act shall be so construed as to militate against any rights or privileges which the Mississippi Choctaws may have, under the laws of or the treaties with the United States."

It is therefore, the judgment of this Commission that the enrollment of the said David W. Haynes as a citizen by blood of the Creek Nation be, and the same is hereby refused by this Commission.

By the Commission,



Acting Chairman.

Muskogee, Indian Territory, July 27th, 1900.

Department of the Interior,  
Commission to the Five Civilized Tribes.

At Muskogee.

In the Matter of the Application of :  
David W. Haynes for Enrollment as a : Motion for a Rehearing.  
Citizen of the Creek Nation. :

To the Commission to the Five Civilized Tribes:

Comes now David W.

Haynes, petitioner, and moves this Honorable Commission to set aside the judgment rendered against him in the above-styled matter on the 27th day of July, 1900, and to grant him a re-hearing for the following reasons, to-wit:

FIRST: Because he is a Creek Indian by blood; that he has always been so recognized and regared by the proper authorities of the Creek Nation; that his name, through a clerical mistake made "Miller" Haynes, is to be found on the authenticated rolls of the said Creek Nation; that he was duly enrolled by F. B. Severs, of Muskogee, Indian Territory, as a member of his family; that he has drawn his proportionate share of the moneys of the Creek Nation at various payments which have been made; that as a citizen by blood he is entitled to be enrolled by this Honorable Commission and to have set aside to him his proportionate share of the lands and funds of the said Creek Nation.

SECONDE Because the Commission erred in finding that he had not, prior to June 28th., 1898, removed to and in good faith settled in the said Creek Nation.

Petitioner states that he has never claimed citizenship elsewhere than in the Creek Nation; that he has never voted or held property elsewhere; that ever since the death of his parents he has owned a farm in the Creek Nation which has been in charge of his uncle, as citizen of the Creek Nation; that being an orphan at an early age, with but little funds at his command, and for the purpose of receiving a better education he was taken from the Indian Territory; that he never abandoned his intention to reside in the Creek Nation; that about the year 1893 he returned to the Creek Nation for the purpose of permanently residing here; that



(2)

then perceiving the advantages that might come to him through a knowledge of the law, he determined to study law and went to the city of New York for that purpose; that he became sick in New York and soon exhausted the means at his command; that it then became necessary for him to engage in some business whereby he could earn a livelihood; that he had a knowledge of the drug business and became a salesman for a drug house; that he is an unmarried man; that he had no home other than that of F. B. Severs, at Muskogee; that the wife of the said F. B. Severs, a recognized citizen, by blood, of the Creek Nation, is a sister of his mother; that when the said F. B. Severs enrolled the members of his family he always enrolled your petitioner as such; that he never has at any time abandoned his intention of residing in the Indian Territory; that he has, since 1893, claimed the Creek Nation as his home and has only been absent therefrom in order that he might earn a livelihood; that his absence has only been temporary.

Your petitioner files herewith the affidavit of F. B. Severs more fully setting out his claim to a permanent residence here.

Wherefore your petitioner respectfully requests that this Honorable Commissioner set aside its judgment herein rendered and permit him to more fully explain, by additional witnesses, the matters above set out.

David W. Haynes.

Subscribed and sworn to before me, at Muskogee, Indian Territory on this 8<sup>th</sup> day of December, 1900.

Almon A. Finney  
Notary Public.

*My Commission expires  
March 31<sup>st</sup> 1903.*

Department of the Interior.  
Commission to the Five Civilized Tribes.

In the Matter of the Application of :  
David W. Haynes for Enrollment as a : Affidavit of F. B. Severs.  
Citizen of the Creek Nation. :

F. B. Severs, of Muskogee, Indian Territory, states that by an Act of the National Council he is a citizen of the Creek Nation; that his wife is a citizen, by blood, of the Creek Nation and is recognized as such; that the mother of David W. Haynes was a sister of his wife and was always recognized as a citizen of the Creek Nation; that the said David W. Haynes was born in the Creek Nation and resided there until the death of his father and mother when he was taken to Connecticut by his uncle in order that he might be educated; that the said David W. Haynes has always been regarded as a member of his family; that he enrolled him, along with the other members of his family, as a member of Conoharty Town; that he enrolled the said Haynes as "Willie" Haynes and that the name "Miller" Haynes, as found on the said roll is the result of a clerical error; that, as the agent of the said David W. Haynes, he has on several occasions drawn his proportionate part of the funds of the Creek Nation which were being distributed; that the citizenship of the said Haynes has never been questioned by the authorities of the Creek Nation; that about the year 1893 the said Haynes returned to the Creek Nation with the expressed intention of permanently residing there; that he determined to study law and went to New York for that purpose; that he was informed and believes that when the said Haynes had returned to New York he became sick and was forced to engage in some other business in order to earn a livelihood; that in his letters and conversations with him the said Haynes has always referred to and spoken of his, (Severs) home as his (Haynes) home; that he knows that ever since the said Haynes was a small boy he has owned a farm in the Creek Nation which was in the charge of one Austin Anderson, uncle of the said Haynes and that the said farm is known as the "Willie Haynes farm";

(2)

that the said Haynes is an unmarried man and, so far as he has information, has no other home than that of his (Severs).

F. B. Severs

Subscribed and sworn to before me on this 8 day of December, 1900,  
at Muskogee, Indian Territory.

*My Com. Exp. Incl. 31"/1903.*

Almon H. Jimmy  
Notary Public.



No. 156

Jan. 11, 1900

Granted and set for  
hearing & trial Aug. 20, 1901.

*[Handwritten signature]*

*2d ch.*

JAMES M. GIVENS.

WAYMAN C. JACKSON.

GIVENS & JACKSON,

ATTORNEYS AT LAW.

MUSKOGEE, IND. TER.

Department of the Interior,  
Commission to the Five Civilized Tribes.

In the matter of the application of David W. Haynes for enrollment as a citizen of the Creek Nation.

To David W. Haynes, and Honorable Pleasant Porter, Principal Chief of the Creek Nation:

You are hereby notified that the motion for a re-hearing in the above entitled matter has this day been granted by the Commission, and that a further hearing will be had in this matter at the office of the Commission in Muskogee, Indian Territory, on January 2, 1901.

THE COMMISSION TO THE FIVE CIVILIZED TRIBES,

*James E. Kirby*  
Acting Chairman  
*aka*

Muskogee, Indian Territory, December 11, 1900.

\*\*\*\*\*

Service of the above notice accepted at Muskogee, Indian Territory, this 17<sup>th</sup> day of December, 1900.

*Simon Ed Jackson*  
*att. for applicant*  
*Porter*  
Principal Chief, Creek Nation.

DEPARTMENT OF THE INTERIOR  
COMMISSION TO THE FIVE CIVILIZED TRIBES.  
MUSKOGEE, IND. TER. JANUARY 3, 1901.

In the matter of the application of David W. Haynes for  
enrollment as a citizen of the Muskogee Nation.

A D M I S S I O N .

It is admitted by the Council for the Creek Nation, that,  
under the laws, customs and usages of the Creek Nation, the appli-  
cant, David W. Haynes, if he is the same person who is enrolled  
as "Miller" Haynes on the rolls of Conchoarty Town and is the son  
of Newton and Kistiah Haynes, would be entitled to be enrolled  
and to be recognized as a citizen by blood of the said Creek  
Nation.

-----  
Attorney for applicant.

*A. P. McEllopp*  
*H. C. Reed*

-----  
Attorneys for the Creek Nation

DEPARTMENT OF THE INTERIOR,  
COMMISSION TO THE FIVE CIVILIZED TRIBES,  
Muskogee, Indian Territory, January 2, 1901.

Creek Enrollment No. 156.

In the Matter of the Application of David W. Haynes, for enrollment as a Citizen of the Creek Nation.

On Motion for Re-hearing.

A p p e a r a n c e s :

For the Applicant, J. M. Givens, Esq.,  
For the Creek Nation, Mr. McKellop.

-----o-----  
Captain F. B. Severs, Having been first duly sworn by  
Notary Public John G. Leiber, testified as follows:

By Mr. Givens:

- Q Please state your name, age and residence? A My name is F. B. Severs, residence Muskogee, age 65.
- Q Are you a citizen of the Creek nation? A I am.
- Q By blood or by adoption? A By adoption.
- Q Are you acquainted with the applicant, D. W. Haynes? A I am.
- Q How long have you known him? A I have known him ever since he was a little boy--little bit of a fellow.
- Q Were you acquainted with his parents? A I was.
- Q What relation, if any, did his mother bear to your wife? A Sister.
- Q Do you know whether or not his mother was a citizen of the Creek Indian Nation? A She was a citizen.
- Q Was she always recognized and enrolled as such? A Always.
- Q From what town? A Concharty.
- Q Do you know where the applicant, D. W. Haynes, was born? A I understood he was born in Concharty town in the Creek Nation.
- Q Are the mother and father of the applicant living? A Both dead.
- Q Do you know where they resided? In what nation, at the time of their respective deaths? A Creek nation.
- Q Do you know how long D. W. Haynes resided in the Creek Nation after the death of his father and mother? A I suppose a couple of years or three.
- Q Where did he then live? A He lived with us, myself and wife in Concharty town after the death of his father and mother, until he was taken out of the Territory.
- Q By whom and for what purpose? A By his uncle, David Haynes.
- Q Where? A Conneticut.
- Q For what purpose? A For the purpose of being educated.
- Q Was D. W. Haynes a member of your family? A He has been so considered all along.
- Q When you enrolled the other members of your family, please state whether or not you enrolled him? A Yes, I enrolled him with us.
- Q Upon the roll of the Creek nation the name of Miller Haynes appears as a member of your family. A It is not correct. It must be a mistake. I know of no Miller Haynes.
- Q Under what name did you enroll the applicant? A Willie.
- Q Have you ever drawn any money for the applicant as a result of his proportionate share of the funds of the Creek Nation, which were being distributed? A I have two different payments, per capita payments.

2-D. W. Haynes.

- Q Do you know whether or not the citizenship of the applicant was ever questioned by the authorities of the Creek nation? A It never was.
- Q After Haynes was taken to Conneticut by his uncle, did he ever return to the Indian Territory? A He did; he came back.
- Q To the Creek nation? A Yes, to the Creek nation.
- Q About what year? A I can't say. I can't call to mind now, just what year. It must have been '93, along there. He came back and staid awhile; quite a while.
- Q Did he express any intention of permanently residing in the Creek Nation when he returned? A Yes, he did.
- Q You say he went away; do you know for what purpose, and where?
- A He said he was going back to New York and study law. He had studied law some, and said he was going back to complete his studies in that line; to be perfected.
- Q And what was he to do when he completed his studies? A He was going to come back and make it his home.
- Q Where was Mr. Haynes? Where has his home been since '93?
- A He came here as I said and staid awhile; remained probably a year, and then he returned to New York, and I think has been in New York most of the time until the last coming back.
- Q Since 1893, has he claimed your home as his home?
- A He has always been back there; always wrote and spoke that way, and we consider him as one of the family. My wife has always regarded him as a member of the family.
- Q How have you regarded him? A The same.
- Q Do you know whether or not the applicant has owned any land in the Creek Nation? A His father had a place and he always claimed it; always said it was his place--his father's.
- Q Did his father and mother ever have any other children than Mr. Haynes? A They had other children, but they all died except Willie.
- Q The farm that descended to the applicant is the farm of which you speak? A Yes sir.
- Q That farm was located in the Creek nation? A Yes, Creek nation.
- Q Who has charge of that farm for the applicant? A I think his uncle, Austin. Anderson, lived and farmed on it quite awhile.
- Q That farm is known by what name? A The Willie Haynes place.
- Q Do you know whether or not the farm is yet owned by Mr. Haynes?
- A I don't. I suppose so. I don't know.
- Q Do you know whether or not the applicant is married or unmarried? A I know him to be unmarried.
- Q According to your information and belief, based upon what the applicant has said to you, and has written to you----where does he regard his home? A He regards his home in the Creek Nation, and there is one thing I can say: When they paid off part of the Creek purchase, his mother and father had made out a claim when the Commission was out here getting the awards on that claim and she drew Willie's money from the Government, my wife did. She got the claim known as that lost property, and then when he started for Conneticut, she turned over the money to his uncle to help educate him.
- Q Did the applicant, D. W. Haynes ever indicate to you that he intended to abandon his home in the Creek Nation? A Never did; right to the contrary; he never has voted, and never has claimed any place but the Creek nation as his home.
- Q Are you acquainted with his financial condition in a general way?
- A I am.
- Q You may state whether or not he is possessed of considerable means or not? A He is not possessed of any means.
- Q He is a poor man? A Poor man.

3-D. W. Haynes.

Q Do you know whether or not he has any other means of income than that derived from his daily labors? A No, he has no other that I know of.

By Mr. McKellopp:

Q Did Mr. Haynes ever live on that place you stated awhile ago is known as the Willie Haynes place? A I don't know he ever did.  
Q Did he ever rent that place that you know of? A I understood that he made arrangements with Anderson to take the place and live on it, and take care of it.  
Q You don't know that yourself as a fact? A No, I don't.  
Q Do you know whether or not he received rents from Austin Anderson on that place? A I can't say that; I don't know as he ever did. Probably the rent has not been paid, but I don't know.  
Q Who is living on the place now? A I can't say who is living on it.  
Q Do you know Mr. Haynes has expended any money on the improvement of that place at any time during his lifetime? A No, I don't know I can say he ever did except what his father put on it. He just took it that way; I don't think he ever put anything more on it.

Blueford Miller, having been first duly sworn, testified as follows:

By Mr. Givens:

Q Please state your name, and age? A Blueford Miller, about 52.  
Q Are you acquainted with the applicant, D. W. Haynes? A Yes.  
Q How long have you known him? A I have known him since he was a little boy.  
Q Were you acquainted with his parents? A Yes sir.  
Q Do you know whether his mother was a citizen of the Creek Indian Nation? A She was a citizen.  
Q By blood or by marriage? A By blood.  
Q Do you know whether she was always so regarded by the authorities of the Creek Nation? A Yes, she was always recognized as a citizen.  
Q Do you remember when Mr. Haynes, the applicant, left the Indian Territory? A I remember about the time; don't know just what time; know the time he left; heard he had left.  
Q Do you know for what purpose he left? A I understood his uncle took him off to educate him.  
Q Where did his uncle live? A I heard somewhere in Connecticut.  
Q Do you know whether or not Haynes returned to the Creek Nation for the purpose of residing there? A I think not; he was back and staid quite awhile.  
Q At what time and what year? A '90- '92- '93, somewhat along there.  
Q Did you see Mr. Haynes when he returned? A Yes sir.  
Q Did you have any conversation with him? A He came over to my place and staid there awhile, and went on down to look at his place on the river; looked all around and came back and went back to New York.  
Q Did you have any conversation with Mr. Haynes with reference to his intention to residing in the Creek Nation, or elsewhere?



4-D. W. Haynes.

- A No, his intention was to reside in the Creek Nation, from his conversation with me.
- Q Did the applicant, at any time, ever express to you any intention of residing elsewhere in the Creek Nation? A No sir.
- Q Do you or your wife bear any relationship to the applicant?
- A Yes sir.
- Q What relation? A She is his aunt.
- Q Are the parents of the applicant living? A No sir.
- Q Do you know which died first? A His father died first.
- Q At the time his mother died, state whether or not if you know, she was in possession of a farm in the Indian Territory? A Yes.
- Q Was that the farm to which you made reference awhile ago, when you stated that Haynes had gone to look at his farm? A Yes sir.
- Q Do you know who has had charge of that farm for the applicant?
- A Mr. Anderson lived on it quite a while.
- Q What relation does Austin Anderson bear to the applicant? A He is his uncle.
- Q How is that place generally known and spoken of? A It is known as the Willie Haynes, or the Haynes place; known by that name.

D. W. Haynes, being first duly sworn, testified as follows:

By Mr. Givens:

- Q State your name, age and postoffice address? A D. W. Haynes, 34, Muskogee.
- Q You are the applicant in this matter? A Yes sir.
- Q You may state your citizenship? A Creek Indian.
- Q By blood or adoption? A By blood.
- Q Who was your mother, before she married? A Desire Anderson.
- Q What was her citizenship? A Creek Indian.
- Q She was duly recognized and enrolled by the authorities of the Creek nation? A Yes sir.
- Q Where were you born? A In the Creek nation.
- Q How long did you reside in the Creek nation after the death of your parents? A For four or five years; between there somewhere.
- Q Where did you then go, and for what purpose? A To the state of Connecticut, to be raised and educated.
- Q How long did you remain away from the Indian Territory?
- A Until 1893.
- Q To what point in the Indian Territory did you come in '93?
- A Muskogee.
- Q For what purpose? A For the purpose of remaining here and going into business.
- Q With whom did you stop while you were in Muskogee? A Captain Severs.
- Q Are you related to the family of Captain Severs? A Yes sir.
- Q In what way? A I am Mrs. Sever's nephew.
- Q Is she a duly recognized and enrolled citizen of the Creek nation?
- A Yes sir.
- Q Where is your home? A Muskogee.
- Q Since the year 1893, have you had any other home? A No sir.
- Q Is the uncle who took you to Connecticut now living? A Yes sir.
- Q You never claimed this place as your home since you returned to the Territory? A No sir.
- Q Have you ever claimed citizenship in any state of the United States? A No sir.
- Q Have you ever voted anywhere else? A Nowhere.
- Q Do you own any property elsewhere? A Nowhere.
- Q Have you any real estate in the Indian Territory? A Yes sir.
- Q Of what does it consist? A It consists of the old homestead.



5-D.W.Haynes.

- Q. Your father's homestead? A Yes sir.
- Q In what part of the Creek Nation is that situated? A Conchartry town.
- Q What was done with your farm after you had been taken to Conn.?
- A It was in various hands, under improvement most of the time.
- Q About how old were you when you were taken to Connecticut?
- A Somewhere between four and five.
- Q You was too small to exercise any supervision over the farm, were you? A Yes sir.
- Q Has Austin Anderson, your uncle, has charge of this farm for you? A He has had charge of it; previous to that time there were arrangements made with W. F. Brown, who occupied it under rental.
- Q Have you ever sold this farm? A No sir.
- Q Or authorized its disposal in any amount? A No sir.
- Q For what purpose did you return to the Creek Nation in 1893?
- A With the intention of remaining here and going into business, provided I could find something that suited me.
- Q How long did you remain in the Indian Territory at that time?
- A Very close to 6 or 7 months.
- Q For what reason did you leave the Territory? A For the purpose of studying law.
- Q To what point did you go for the purpose of studying law?
- A New York.
- Q What happened to you when you arrived in New York? A I was laid up with sciatica rheumatism.
- Q Did you carry out your purpose of receiving your education in the law? A Not fully, no.
- Q What caused you to abandon your intention? A The fact that my money gave out through sickness.
- Q Have you any other source of income other than that derived from your daily labor? A None.
- Q In what business did you engage in New York city? after your recovery? A I followed the drug business in general, as a salesman.
- Q Was your absence from the Territory permanent or temporary?
- A Temporary.
- Q Did you ever at any time, abandon your intention to return to the Indian Territory? A No sir.
- Q Did you ever renounce your citizenship in the Creek Nation?
- A Never.
- Q Are you a single or married man. A Single.
- Q You state that the wife of Captain S-severs was your aunt, and that you claimed the home of Captain Severs as your home? A Yes sir
- Q Have you drawn money at any of the payments which have been made in the Creek nation? A Through Captain Severs, yes.
- Q Who enrolled you in the Creek Nation? A Captain Severs.
- Q The records of the Creek Nation show that Miller Haynes is enrolled as a member of Captain Sever's family. Do you know of any Miller Haynes? A I don't know; I know of no Miller Haynes, but know that was intended for me.
- Q And it was upon this enrollment that Captain Severs drew your share of the Creek funds when they were distributed? A Yes sir
- Q Had you, prior to June 28, 1898, removed to and in good faith settled in the Creek Nation? A I came here in good faith, and settled, in 1893.
- Q What was the name of your father? A Newton Haynes.
- Q Please state whether or not your father and mother had a claim against the United States in what is known as the Lolya Creek claim? A They did have.
- Q Did you ever receive any money on account of the claim of your father and mother against the United States as above referred to?

6-D.W.Haynes.

- A I received the first and only payment through Mrs. F. B. Severs.  
Q She did pay you, did she? A She received the money from the United States for me.  
Q You may state any other facts which you may desire in connection with your claim for citizenship. A I don't know anything just now; I can't think of anything special.

by Mr. McKellop:

- Q Mr. Haynes, did you ever, at any time, appear before the members of the council of Conchartry town for enrollment as a citizen of the Creek nation? A No sir.  
Q When you returned to the Creek nation in 1893, did you take any steps towards improving a claim of your own in the Creek nation?  
A No, it was at that time in charge of Austin Anderson.  
Q You stated in your testimony that the place you speak of as your place, was rented to W. F. Brown, prior to your return to the Creek Nation in 1893. What amount of rent, and at what time did you receive it, as rental on the farm? A The man died before I had time to look up the matter.  
Q Then you didn't receive any rent from W. F. Brown on the place you speak of? A No, not to my knowledge.  
Q When you were here in 1893, did you make any arrangement for the management of this place, or did you rent it before returning east? A It was already being managed.  
Q Did you receive any rent then, while you were here in 1893, on the place? A Is it necessary to answer that yes or no?  
By Mr. Givens: Answer whether you did or not.  
By Mr. McKellop: As I understand, this is a petition to open the case on the ground that the applicant believed that he could prove that he was an actual resident from 1893 to the present time, of the Creek Nation.  
By the Commission: He can answer that question.  
Q (Last question repeated) A No sir.  
Q Your statement in regard to returning to this nation in 1893, you stated that you came here with the intention of residing here but that you didn't remain here, but returned to the east; was that your statement on your direct examination? A I didn't remain at that time.  
Q When did you come here again the next time after 1893? A '99  
Q What month in '99? A Either June or July.  
Q You has then been absent from the Creek Nation from 1893 to June, 1899? A Yes sir.

By the Commission:

- Q Did you ever vote in the Indian Territory? A No sir.  
Q Did you ever pay any taxes either in the state of Connecticut or in the state of New York? A No sir.  
Q When the census was taken in 1890, were you enumerated as a citizen of the state of Connecticut? A No sir.  
Q During the time you were in the drug business, were you a prescription clerk? A I was in the retail business; was prescription clerk; after that I spent the most of my time in travel.  
Q Sold drugs as a clerk? A Yes, chemicals.  
Q Did you have a license during that time? A No sir.  
Q That was in New York City? A Yes, and vicinity.  
Q Were you not required to have a license in order to sell drugs as a retail clerk? A No, not unless you had charge of a store.  
Q Did you ever vote or exercise any other common privilege of a citizen of New York or Connecticut? A No sir.  
Q After you became of age, you resided in one of those states in the east something like 13 years, didn't you? A I left the old place where I was raised in '83.

7-D.W.Haynes.

- Q During none of that time, you exercised any of the privileges of a citizen of the states in which you lived? A No sir.
- Q When did you first come to a realization of the fact that you were a citizen of the Creek Nation? A Always have known that since I have been old enough to know anything.
- Q You left the Creek Nation when you were between 4 and 5 years old A Yes sir.
- Q You didn't realize it then, did you? A Hardly, no.
- Q Did you realize it before you were 21, do you think? A I did, and the people that raised me insisted I was.
- Q The act of Congress of June 28, 1898, contains a provision that no person shall be enrolled who has not heretofore removed to and in good faith settled in the nation in which he claims citizenship, and it is this provision upon which your citizenship is, in a measure questioned, and I would like to ask you if you now consider that your return in 1893, complied with that provision? That you did in good faith, settle here? A I certainly did. I came with the intention of staying here.
- Q You went away and remained again seven years? A I remained away because I couldn't help it.
- Q During none of that time you were able to come back and show further evidence of your good faith? A I didn't feel that I was called upon to leave a position where I was earning a livelihood to take chances in a country where I couldn't make a living.

Examination by Mr McKellop.

- Q After you went away from this country to New York State in 1893, how long was it before you contracted this disease of rheumatism? A I got a little touch of it right here when I went back in 1893.
- Q How long after arriving in New York were you laid up? A I was laid up in my room for pretty near two months; the physician came to me pretty near every day.
- Q How long after you were laid up with that disease were you able to attend to your usual business? A It was spring before I could get to take a position.
- Q About how many months were you disabled, on account of that condition, from attending to business? A I don't remember just when I took a position; sometime along about May, I think.
- Q It was three months after leaving here you were unable to transact ordinary business? A That would be four months.

-----o-----  
Frances R. Brown, having been first duly sworn, upon her oath states that as stenographer to the Commission to the Five Civilized Tribes, she reported in full all proceedings had in the above entitled cause on the 2d day of January, 1901, and that the above and foregoing is a full, true and correct transcript of her stenographic notes, of said proceedings on said date.

Subscribed and sworn to before me this 14th day of January, 1901.

*Gay L. Emerson*  
Notary Public.

DEPARTMENT OF THE INTERIOR,  
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application of David W. Haynes for enrollment as a citizen of the Creek Nation.

D E C I S I O N .

It appears from the record in this case that on July 27, 1900, David W. Haynes appeared before this Commission at Muskogee, Indian Territory, and made application for enrollment as a citizen of the Creek Nation; that said application was refused on the same date; that a re-hearing of said application was granted on December 11, 1900, and additional testimony offered in support thereof, on January 2, 1901.

It also appears that the said David W. Haynes has been heretofore recognized as a citizen of the Creek Nation by the tribal authorities thereof, and that he is found on the 1890 and 1895 authenticated rolls under the name of Miller Haynes.

It further appears that on June 28, 1898, said David W. Haynes was resident of the state of New York, and that he had not removed to and in good faith settled in the Creek Nation, prior to said date. The Act of Congress approved June 28, 1898 (30 Stats., 495) provides:

"No person shall be enrolled who has not heretofore removed to and in good faith settled in the nation in which he claims citizenship."

It is therefore the opinion of this Commission that in accordance with the provision of the law above quoted, the application of the said David W. Haynes for enrollment as a citizen of the Creek Nation, should be denied, and it is so ordered.

Commission to the Five Civilized Tribes.



Acting Chairman.

Dated at Okmulgee, Indian Territory,  
this 24th day of May, 1901.

11-7-01  
DEPARTMENT OF THE INTERIOR,  
COMMISSION TO THE FIVE CIVILIZED TRIBES.  
MUSKOGEE, Indian Territory, June 4, 1901.

In the matter of the application of David W. Haines for the enrollment of himself as a citizen of the Creek Nation, under the agreement approved May 26, 1901.

David W. Haines being first duly sworn testified as follows

Examination by the Commission.

- Q As a citizen of what nation are you an applicant for enrollment?  
A Creek nation.  
Q What is your name? A David W. Haines.  
Q What is your age? A 35 years.  
Q What is your postoffice address? A Muskogee, Indian Territory.  
Q Have you ever been recognized by the tribal authorities of the Creek Nation as a citizen of the Creek Nation? A I don't know as I understand exactly how you mean by that, whether by council or not?  
Q By the tribal authorities? Have you ever been recognized by the tribal authorities of the Creek Nation as a citizen of the Creek nation? A Yes, but not before any council though.  
Q Have you ever been enrolled by the Creek tribal authorities as a citizen of the Creek nation? A Yes sir.  
Q Does your name appear on the tribal rolls of the Creek Nation?  
A Yes sir.  
Q Where do you live? A Muskogee.  
Q Do you make your residence here in Muskogee? A Yes sir.  
Q How long have you lived in Muskogee? A I have been here-- I was born here and lived here practically for nine years; temporarily away.  
Q Have you been outside of the Territory in the past four years?  
A Yes sir.  
Q For what purpose did you leave the Territory? A Business purposes.  
Q Where did you go? A To New York.  
Q How long were you in New York? A I think about 7 or 8 months.  
Q At what time? A About seven months previous to June last.  
Q June, 1900? A Yes sir.  
Q Was that the only time you were absent from the Creek Nation during the last nine years? A No, it is not the only time. I have been in and out.  
Q Just state what time you were absent during the nine years you speak of that you have lived here in Muskogee? A I don't know as I can give you just the date, approximately, though.  
Q As near as you can? A I went back about 1893, as near as I can recollect the date, and came back here about three years ago in the spring.  
Q Where were you born? A Concharste town.  
Q How long did you live there after your birth? A Close to five years.  
Q Where did you then go? A I was taken east to Conneticut.  
Q How long were you in Conneticut? A Until 1883.  
Q Then where did you go? A Hartford, Conneticut.  
Q Where did you go from Hartford? A To New York.  
Q How long did you remain in New York? A I remained there, traveling in and out of there until the time I came out here along in 1893--'92 or '93 when the Creek payment was on.  
Q What is the name of your father? A Newton Haines.  
Q Is he living? A No sir.  
Q Is his name on any of the tribal rolls of the Creek Nation?  
A I think not.  
Q What was his citizenship? A United States.



2-D. W. Haines.

- Q What is your mother's name? A Desire Haines.  
Q Is she living? A No sir.  
Q Was her name on any of the tribal rolls of the Creek Nation?  
A I presume so; I don't know.  
Q To what town in the Creek Nation did she belong? A Conchartry.  
Q Does your name appear upon the 1890 authenticated roll of the Creek Nation? A I believe it does.  
Q As David W. Haines? A I don't know; they are on the roll. I have never seen the rolls.  
Q With what family were you enrolled? A Captain F. B. Severs.  
Q Was there any other Haines in his family besides you? A No sir.  
Q Did they ever call you Miller Haines? A That Miller Haines should not be there; it is intended for Willie, as the testimony shows that has already been given.  
Q Did they call you Willie Haines? A Most all my people do.  
The 1890 authenticated roll of the Creek Nation, Conchartry town, examined and the name of Miller Haines is found thereon at page 86, in the family of F. B. Severs. The name of David W. Haines is not found thereon.  
The 1895 authenticated roll of the Creek Nation, Conchartry town, examined, and the name of Miller Haines found thereon at No. 28, in the family of F. B. Severs. The name of David W. Haines is not found thereon.  
Q Is there any additional statement in regard to your application that you desire to make at this time? A I don't think so.  
It also appears from the records of this Commission that on the 24th day of May, 1901, the application of David W. Haines for his enrollment was refused for the reason that the said applicant was a non-resident of the Indian Territory prior to June 28, 1898, and did not, in good faith, remove to and settle in the nation in which he claims citizenship, in accordance with the provisions of the act of Congress approved June 28, 1898, (30 Stats., 495), which said Act reads as follows:  
"No person shall be enrolled who has not heretofore removed to and in good faith settled in the nation in which he claims citizenship."

-----0-----  
You will be furnished at a later date with a copy of the decision of the Commission with reference to the application made by you at this time for enrollment as a citizen of the Creek nation, which will be mailed to you at your present postoffice address as given in your testimony.

-----0-----  
Frances R. Brown having been first duly sworn upon oath states that as stenographer to the Commission to the Five Civilized Tribes she reported in full all proceedings had in the above entitled cause on the 5th day of June, 1901, and that the above and foregoing is a full, true and correct transcript of her stenographic notes of said proceedings on said date.

*Frances R. Brown*

Subscribed and sworn to before me this 8th day of June, 1901.



Acting Chairman.

CR EN 65

CR EN 65



DEPARTMENT OF THE INTERIOR.  
COMMISSION TO THE FIVE CIVILIZED TRIBES.  
JULY 31, 1900. Muskogee, I.T.

In the matter of the application of Ben McIntosh for the enrollment of his two minor children, Bertha and Ben R. McIntosh, as citizens of the Creek Nation. Ben McIntosh, being first duly sworn, testified as follows:

- Q What is your name? A Ben McIntosh.  
Q What is your age? A 40 years old next April.  
Q What is your post office address? A Tuskegee, Indian Territory.  
Q For whom are you applying for enrollment? A Bertha and Ben R. McIntosh.  
Q What is the age of Bertha McIntosh? A 13 years old.  
Q What is the age of Ben R. McIntosh. A About 10.  
Q What is their post office address? A Red Fork, Indian Territory.  
Q Have Bertha and Ben R. McIntosh ever been recognized by the tribal authorities of the Creek Nation as citizens of the Creek Nation?  
A Yes sir.  
Q Have they been enrolled by the authorities of the Creek Nation as citizens of the Creek Nation? A Yes sir.  
Q Do their names appear upon the tribal rolls of the Creek Nation?  
A Yes sir.

The authenticated rolls of the Creek Nation for the year 1890, Coweta Town, examined, and the names of Bertha and Ben R. McIntosh, together with the name of their father, Ben McIntosh, are found on page 86. Also, the authenticated rolls of the Creek Nation for the year 1895, examined, and the name of Bertha and Ben R. McIntosh, together with their father, Ben McIntosh are found thereon, numbered respectfully as 156, 158 and 154.

- Q Where do these children live now? A Within the limits of the Creek Nation, Red Fork, Indian Territory.  
Q How long have they lived there? A All their lives.  
Q They were born and raised there? A Yes sir.  
Q That is your post office address? A No sir, my post office address is Tuskegee, Indian Territory.  
Q These children do not then reside with you? A Yes sir, they reside with me, but that is not our post office.  
Q What is the name of the mother of these children? A Melissa McIntosh.  
Q Is she now living? A Yes sir.  
Q Her name is not upon the rolls of the Creek Nation? A No sir.  
Q Is she on the authenticated roll of 1880 of the Cherokee Nation?  
A I do not know.  
Q She is a recognized Cherokee citizen? A Yes sir.  
Q Are you a recognized citizen of the Creek Nation? A Yes sir.  
Q You belong to Coweta Town? A Yes sir.

Now you are advised, Mr. McIntosh, that Section 31 of the act of Congress, entitled "An Act for the Protection of the People of the Indian Territory, and for Other Purposes," approved June 28, 1898, contains the following provisions: "The several tribes may by agreement, determine the right of persons, who for any reason may claim citizenship in two or more tribes, and to allotment of lands and distribution of money belonging to each tribe; but, if no such agreement be made, then such claimant shall be entitled to said rights in one tribe, only, and may elect in which tribe he will take said rights. But if he fail or refuse to make such selection in due time, he shall be enrolled in the tribe with whom he is residing."

Mr. McIntosh — 2 —

and there be given such allotment and distribution, and not otherwise." A Yes sir.

Q Mr. McIntosh, have Bertha and Ben R. McIntosh resided continuously in the Indian Territory since their birth? A Yes sir, they never lived anywhere else.

Q You are the father of these two children? A Yes sir.

You will be furnished at a later date with a copy of the decision of the Commission with reference to the application made by you at this time for the enrollment of yourself and your minor children, Bertha and Ben R. McIntosh, as citizens by blood of the Creek Nation, mailed to you at your proper post office address, at Red Fork, Indian Territory.

The Commission will transmit such memorandum of this application as has been taken at this time together with a copy of its decision in regard to your application in behalf of your minor children, to the Honorable Secretary of the Interior when the final roll of the citizens of the Creek Nation are forwarded to him for his consideration and approval.

Kate De Bord, being first duly affirmed, states: that as stenographer to the Commission to the Five Civilized Tribes, she reported in full the foregoing case, and that the above is a full, true and correct transcript of her stenographic notes, taken in said case.

Kate De Bord

Subscribed and affirmed to in my presence this 14 day  
of August, 1900.

[Signature]  
Acting Chairman.

Department of the Interior  
Commission to the Five Civilized Tribes,  
\*\*\*\*\*

In the matter of the application of Ben McIntosh for the enrollment of his two minor children Bertha and Ben R. McIntosh, as citizens of the Creek Nation.

STATEMENT OF FACTS.

It appears from the evidence in the matter of the application of Ben McIntosh for the enrollment of his two minor children, Bertha and Ben R. McIntosh as citizens of the Creek Nation, that their names together with the name of their father are on the authenticated tribal rolls of the Creek Nation of 1890 and 1895; it further appears that they are recognized citizens of the Creek Nation and duly and lawfully enrolled as such; it further appears that the mother of said minor children, Melissa McIntosh is a recognized citizen of the Cherokee Nation; it further appears that the said Bertha and Ben R. McIntosh have resided within the limits of the Creek Nation all their lives.

Paragraph eight -8- of section twenty-one -21- of the Act of Congress of June 28th, 1898 provides as follows, to-wit:

" The several tribes may by agreement, determine the right of persons, who for any reason may claim citizenship in two or more tribes, and to enrollment of lands and distribution of money belonging to each tribe; but, if no such agreement be made, then such claimant shall be entitled to such rights in one tribe only, and may elect in which tribe he will take such rights. But if he fail or refuse to make such selection in due time, he shall be enrolled in the tribe with whom he is residing, and there be given such allotment and distributions, and not otherwise. "

It further appears that said paragraph -3- of section -21-, of the Act of Congress of June 28th, 1898, as above quoted, was duly read to said Ben McIntosh, the father of said minor children, and that he understands the provisions thereof.

JUDGMENT.

It is, therefore, the judgment of the Commission that the said Bertha and Ben R. McIntosh are citizens by adoption of the Creek Nation; and that the said Bertha and Ben R. McIntosh having been duly identified as the same persons whose names appear on the authenticated tribal rolls of the Creek Nation of 1890 and 1895 as aforesaid, should be, under the provisions of said Act of Congress above quoted, duly listed for enrollment as citizens of said Nation and it is so ordered.

By the Commission to the Five Civilized Tribes,

  
Chairman.

  
Commissioner.

Dated at Muskogee, Ind. Ter.

this 11 day of Sept 1900.

\*\*\*\*\*

COMMISSIONERS  
HENRY L. DAWES,  
TAMM BIXBY,  
THOMAS B. NEEDLES,  
C. R. BRECKINRIDGE.

ALLISON L. AYLESWORTH,  
SECRETARY.

DEPARTMENT OF THE INTERIOR,  
COMMISSION TO THE FIVE CIVILIZED TRIBES.

(COPY)

ADDRESS ONLY THE  
COMMISSION TO THE FIVE CIVILIZED TRIBES

Muskogee, Indian Territory, September 12th, 1900.

Ben McIntosh,

Tuskegee, Indian Territory.

Dear Sir:

You will find herewith the decision of the Commission in the matter of the application made by you for the enrollment of your two minor children, Bertha McIntosh and Ben R. McIntosh, who have been found by the Commission to be entitled to be listed for enrollment as citizens of the Creek Nation.

Yours truly,

Tamm Bixby

Acting Chairman.

Enc.-44

(COPY)

Muskogee, Indian Territory, January 17, 1902.

A. P. McKellop, Esq.,

H. G. Reed, Esq.,

Attorneys for Creek Nation,

Muskogee, Indian Territory.

Gentlemen:

There is herewith enclosed a copy of the decision of the Commission to the Five Civilized Tribes in the matter of the application for the enrollment of Bertha and Ben R. McIntosh as citizens of the Creek Nation.

The decision, with a copy of the proceedings had in the case, is this day transmitted to the Secretary of the Interior for his review and decision. The final decision of the Secretary will be made known to you as soon as the Commission is informed of the same.

Yours truly,

T.B. Needles.

Commissioner in charge.

1 enclosure  
MAR-65.  
Registered.

(COPY)

Muskogee, Indian Territory, January 17, 1903.

The Honorable,

The Secretary of the Interior.

Sir:

There is herewith transmitted the record of proceedings in the matter of the application of Ben McIntosh for the enrollment of his children, Bertha and Ben R. McIntosh, as citizens of the Creek Nation, including the decision of the Commission, dated September 11, 1900, enrolling said applicants as citizens of said nation.

Respectfully,

T.B.Needles.

Commissioner in charge.

1 enclosure  
Creek 65.  
Registered.

(COPY)

D.C.No. 2105-1902.

8508.

T.P.  
F.

L.R.S.

Department of the Interior.  
Washington.

I.T.D. 654-1902.

February 5, 1902.

Commission to the Five Civilized Tribes,

Muskogee, I. T.

Gentlemen:

The Department has considered the record in the matter of the application of Ben McIntosh for the enrollment of his minor children, Bertha and Ben R. McIntosh, as citizens of the Creek Nation, received with the Commissioner of Indian Affairs' letter of January 30, 1902, in which he recommends that your decision in favor of the claimants be affirmed.

It appears that the names of said children and the name of their father appear upon the authenticated tribal rolls of the Creek Nation of 1890 and 1895; that they are recognized citizens of, and reside in, said nation; that their mother is a citizen of the Cherokee Nation.

You refer to paragraph 8 of Section 21 of the act of June 28, 1898 (30 Stat., 495), which you state was read to Ben McIntosh, and that he understood the provisions thereof.

This is one of the cases referred to by the attorneys for the Creek Nation in their letter of January 29, 1902, the subject of departmental letter of February 4, 1902, to which they make no objection.

Your decision is affirmed. Copy of the Commissioner's letter is inclosed.  
1 inclosure.

Respectfully, Thos. Ryan,  
Acting Secretary. EMD.



(COPY)

Refer in reply to the following:

Land.  
4005-1902.

Department of the Interior,  
Office of Indian Affairs,  
Washington, January 30, 1902.

The Honorable

The Secretary of the Interior.

Sir:

There is inclosed herewith a report dated January 17, 1902, from T. B. Needles, Esq., Commissioner in charge of the work of the Dawes Commission, transmitting for the Department's consideration the record in the matter of the application of Ben McIntosh for the enrollment of his children, Bertha and Ben R. McIntosh, as citizens of the Creek Nation.

September 11, 1900, the Commission found facts as follows:

"It appears from the evidence in the matter of the application of Ben McIntosh for the enrollment of his two minor children, Bertha and Ben R. McIntosh as citizens of the Creek Nation, that their names together with the name of their father are on the authenticated tribal rolls of the Creek Nation of 1890 and 1895; it further appears that they are recognized citizens of the Creek Nation and duly and lawfully enrolled as such; it further appears that the mother of said minor children, Melessa McIntosh is a recognized citizen of the Creeke Nation; it further appears that the said Bertha and Ben R. McIntosh have resided within the limits of the Creek Nation all their lives.

"Paragraph eight -8- of section twenty-one -21- of the  
"Act of Congress of June 28th, 1898 provides as follows, to wit:

"The several tribes may by agreement, determine the right of persons, who for any reason may claim citizenship in two or more tribes, and to enrollment of lands and distribution of money belonging to each tribe; but, if no such agreement be made, then such claimant shall be entitled to such rights in one tribe only, and may elect in which tribe he will take such rights. But if he fail or refuse to make such selection in due time, he shall be enrolled in the tribe with whom he is residing, and there be given such allotment and distributions, and not otherwise."

"It further appears that said paragraph -8- of section  
"-21-, of the Act of Congress of June 28th, 1898, as above  
"quoted, was duly read to said Ben McIntosh, the father of said  
"minor children, and that he understands the provisions thereof."

The Commission also rendered judgment as follows:

"It is therefore, the judgment of the Commission that the  
"said Bertha and Ben R. McIntosh are citizens by adoption of the  
"Creek Nation; and that the said Bertha and Ben R. McIntosh hav-  
"ing been duly identified as the same persons whose names appear  
"on the authenticated tribal rolls of the Creek Nation of 1890  
"and 1895 as aforesaid, should be, under the provisions of said  
"act of Congress above quoted, duly listed for enrollment as  
"citizens of said Nation and it is so ordered."

The record in this case shows that Ben McIntosh, the father of said minor children is a recognized citizen of the Creek Nation and that Melessa McIntosh is a recognized citizen of the Cherokee Nation. Under the provisions of the Curtis Act quoted by the Commission, these applicants would have the right to elect in which

nation they desired to be enrolled and it is presumed that the Dawes Commission means by its decision "citizens by adoption" citizens by "election."

It is respectfully recommended that these applicants be declared to be citizens of the Creek Nation by election; and that the Commission be so advised with directions to enroll them.

Very respectfully,

Your obedient servant,

W. A. Jones,

Commissioner.

GAW  
D

3 inclosures.

COMMISSIONERS:

HENRY L. DAWES.  
TAMS BIXBY.  
THOMAS B. NEEDLES.  
C. R. BRECKINRIDGE.

ALLISON L. AYLESWORTH.  
SECRETARY.

DEPARTMENT OF THE INTERIOR.  
COMMISSION TO THE FIVE CIVILIZED TRIBES

ADDRESS ONLY BY  
COMMISSION TO THE FIVE CIVILIZED TRIBES

(COPY)

Muskogee, Indian Territory, February 15, 1903.

Ben McIntosh,

Tuskegee, Indian Territory.

Dear Sir:

You are hereby advised that the Secretary of the Interior, under date of February 5, 1902, affirmed the decision of the Commission, dated September 11, 1900, enrolling your minor children, Bertha and Ben E. McIntosh, as citizens of the Creek Nation.

Yours truly,

T.B.Needles.

Commissioner in Charge.

COMMISSIONERS:  
HENRY L. DAWES.  
TAMM BIXBY.  
THOMAS B. NEEDLES.  
C. R. BRECKINRIDGE.

ALLISON L. AYLESWORTH  
SECRETARY

DEPARTMENT OF THE INTERIOR.  
COMMISSION TO THE FIVE CIVILIZED TRIBES

ADDRESS ONLY THE  
COMMISSION TO THE FIVE CIVILIZED TRIBES

(COPY)

Muskogee, Indian Territory, February 15, 1902.

A. P. McNeilop, Esq.,

H. O. Reed, Esq.,

Attorneys for Creek Nation,

Muskogee, Indian Territory.

Gentlemen:

You are hereby advised that the Secretary of the Interior, under date of February 5, 1902, affirmed the decision of the Commission, dated September 11, 1900, enrolling Bertha and Ben R. McIntosh, the minor children of Ben McIntosh, as citizens of the Creek Nation.

Yours truly,

T.B. Needles.

Commissioner in Charge.

Doc  
Creek No. 65.

Muskogee, Indian Territory, February 12, 1902.

P. G. Reuter,

Clerk in Charge Cherokee Land Office,  
Vinita, Indian Territory.

Dear Sir:

September 11, 1900, the Commission rendered its decision in the matter of the application for the enrollment of the minor children, Martha and Ben B. McIntosh, as citizens by blood of the Creek Nation. The decision of the Commission was affirmed by the Department, February 8, 1902, and their names are included in the schedule of Creek citizens by blood approved by the Department, March 13, 1902.

It appears that the father of said minor children is Ben McIntosh, a citizen of the Creek Nation, and that their mother is Malissa McIntosh, a citizen of the Cherokee Nation.

A copy of the Certificate in the case is herewith inclosed.

Respectfully,

Acting Chairman.

OCH-17.

For ~~Cherokee~~ Files.

Department of the Interior,  
Commission to the Five Civilized Tribes,  
Chelsea, I. T., June 10, 1901.

In the matter of the application of Malissa McIntosh for the enrollment of herself and two children as Cherokee Freedmen.

Appearances:

Melleite & Smith, attorneys for applicants;  
W. W. Hastings, of counsel for Cherokee Nation.

Malissa McIntosh, being duly sworn and examined by Commissioner Needles, testified as follows:

Q What is your name? A Malissa McIntosh; my maiden name was Malissa Ratliff.

Q How old are you? A I don't know for certain, I guess I am between 43 and 44 I guess.

Q Do you apply to be enrolled as a Cherokee Freedman? A Yes, sir.

Q Who do you want to enroll besides yourself? A Myself and two children.

Q Give me the names of your two children? A Bertha.

Q How old is Bertha? A 13; 13 next February.

Q What is the next child? A Bennie McIntosh.

Q Is he Bennie or Benjamin? A We just call him Bennie.

Q How old is Bennie? A He will be 11 years old the 9th of next month.

Q These children are both living with you at this time? A Yes, sir, both right here.

Q Did you ever apply to be enrolled by any other Nation? A No, sir.

Mr. Smith: What witnesses have you got? A ~~Bennie~~ Uncle Mose Whitmire and Harry Still.

Commissioner: What is your postoffice? A Dawson, I. T.

Mr. Smith: You apply for enrollment as a Cherokee Freedman?

A Yes, sir.

Q Who was your mother? A Her name was Lucy Griffin.

Q Who was your father? A Alex Ratliff.

Q How old are you? A I am between 43 and 44, I don't know for certain.

Q Were you born a slave? A Yes, sir.

Q Whose slave? A Alex Ratliff.

Q Was Alex Ratliff a Cherokee Indian? A Yes, sir, he was a Cherokee Indian.

Q A citizen of the Cherokee Nation and in the Indian Territory?

A Yes, sir.

Q Where were you at the time the war commenced, the Civil War?

A Well, I was there with them when it commenced.

Q With who? A There with the hands, my father died after the war, during the war.

Q At the beginning of the war where was you? A I was there at Alex Ratliff's.

Q At what place? A I don't know exactly what district he lived in.

Q In the Cherokee Nation? A Yes, sir.

Q Were you taken out of the Cherokee Nation during the war?

A Yes, sir.

Q When did you first come back? A It was in the year of '86.

Q Who came back with you? A Uncle Mose Whitmire and his wife brought me back, his wife is my aunt.

Q Who was Mose Whitmire's wife before she married Mose, do you remember? A It seems she was a walkingstick.

Q Well, where do you live now? A I live down here near Tulsa, this side, in the Cherokee Nation.

Q How long have you lived there? A I haven't lived there very long, that place.



Malissa McIntosh - 2.

Q How long have you lived in the Cherokee Nation? A Why I have lived in the Cherokee Nation, backwards and forth, all my life. I have lived in the Creek Nation some and here, Creek and Cherokee Nations, backwards and forth, since I came back.

Q When did you marry? A Well, I guess it was, must have been about 1882.

Q Are you and your husband living together at this time?

A No, sir, we have been parted about ten years.

Q Are these children, Bertha and Bennie, his children? A Yes, sir, they are his children.

Q How long did you and your husband live together? A Well, it might have been about eight years, I don't know for certain.

Q Were you married, have you a marriage certificate? A Yes, sir.

Q Have you any certificate of your marriage? A No, I have got it misplaced some way, I have got my divorce.

Q In what Court were you divorced? A Creek Court.

Q At Muskogee? A No, out at Okmulgee.

Q What was your husband's name? A Ben McIntosh.

Q Was he a Creek citizen or what? A Yes, he was a Creek citizen.

Q Did he bring suit against you in the Creek court, or you bring a suit against him? A No, sir, he just granted the divorce himself.

Q He granted the divorce to you in the Creek court? A Yes, sir.

Q What did you have to do with it, anything? A Why nothing at all.

Q He just did that himself? A Yes, sir.

Commissioner: Do I understand you to say these two children are living with you at this time? A Yes, sir, I have them right here. I have raised them.

Q Did they ever draw any money in the Creek Nation? A No, sir.

Q Ever been enrolled in the Creek Nation? A No, sir, never enrolled them anywhere but here.

Q Were they born in Okmulgee district.

Q Your husband is a Creek citizen? A Yes, sir.

Mr. Hastings: you have had six children by this man? A Yes, I have got four dead.

Q And the first born at Okmulgee? A Yes, near Okmulgee.

Q How old would the first be if it was living now? A I don't know how old now, we didn't keep any record.

Q Do you know what year it was born? A No, I don't remember.

Q And the other five were born on Red Fork in the Creek Nation?

A Yes, sir.

Q Where did you first meet your husband? A I met him in Muskogee.

Q You married him in 1882? A Yes, it must have been about that time, about the latter part I think.

Q And you parted from him when? A I expect it was about eight years later, I guess, I don't remember for certain.

Q You gave birth to six children in eight years? A Yes, but then they didn't mature, they were not natural.

Q How long before you were married was it since you have been living in the Cherokee Nation; you married in Muskogee in 1882?

A Yes, I guess it was about that time; have been living here all the time up to just a little over a year before, I worked out in Muskogee.

Q Where had you been living in the Cherokee Nation? A Lived right here with Uncle Mose Whitmire.

Q Ever since you came down here with him? A Yes, sir, they raised me and I just made that my home there.

Q What was your father's name? A Alex Ratliff.

Q What was your mother's name? A I think her name was Lucy Griffin.

Q Do you remember your mother? A Yes, sir.

Q When did she die? A She died during the war, before we went to Kansas.

# CORRECTION

THIS DOCUMENT  
HAS BEEN  
REPHOTOGRAPHED  
TO ASSURE  
LEGIBILITY

Malissa McIntosh - 2.

Q How long have you lived in the Cherokee Nation? A Why I have lived in the Cherokee Nation, backwards and forth, all my life; I have lived in the Creek Nation some and here, Creek and Cherokee Nations, backwards and forth, since I came back.

Q When did you marry? A Well, I guess it was, must have been about 1882.

Q Are you and your husband living together at this time?

A No, sir, we have been parted about ten years.

Q Are these children, Bartha and Bennie, his children? A Yes, sir, they are his children.

Q How long did you and your husband live together? A Well, it might have been about eight years, I don't know for certain.

Q Were you married, have you a marriage certificate? A Yes, sir.

Q Have you any certificate of your marriage? A No, I have got it misplaced some way, I have got my divorce.

Q In what court were you divorced? A Creek court.

Q At Muskogee? A No, out at Okmulgee.

Q What was your husband's name? A Ben McIntosh.

Q Was he a Creek citizen or what? A Yes, he was a Creek citizen.

Q Did he bring suit against you in the Creek court, or you bring a suit against him? A No, sir, he just granted the divorce himself.

Q He granted the divorce to you in the Creek court? A Yes, sir.

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Q And the other five were born on Red Fork in the Creek Nation?

A Yes, sir.

Q Where did you first meet your husband? A I met him in Muskogee.

Q You married him in 1882? A Yes, it must have been about that time, about the latter part I think.

Q And you parted from him when? A I expect it was about eight years later, I guess, I don't remember for certain.

Q You gave birth to six children in eight years? A Yes, but then they didn't mature, they were not natural.

Q How long before you were married was it since you have been living in the Cherokee Nation; you married in Muskogee in 1882?

A Yes, I guess it was about that time; have been living here all the time up to just a little over a year before, I worked out in Muskogee.

Q Where had you been living in the Cherokee Nation? A Lived right here with Uncle Mose Whitacre.

Q Ever since you came down here with him? A Yes, sir, they raised me and I just made that my home there.

Q What was your father's name? A Alex Ratliff.

Q What was your mother's name? A I think her name was Lucy Griffin.

Q Do you remember your mother? A Yes, sir.

Q When did she die? A She died during the war, before we went to Kansas.

Malissa McIntosh - 3.

Q You were quite small when you came back here? A Yes, I was quite small.

Q How old were you? A Why I must have been ten years old.

Q You only remember the date of your return from what they told you about it? A Why they said it was '66.

Q They have told you about it since? A Yes, I guess I was like other children, I heard what was said about the dates just the same as children now; my children knows this in 1901.

Q What time of the year was it you came back? A In the winter,

Q In the early winter or the last of the winter? A The last of the winter.

Q You don't know whether it was the last of '66 or the first months of 1867? A No, sir, it was in the winter of that year.

Q You don't know what months? A No, sir, I have got my witnesses, perhaps they can tell you.

Q You lived with Mose Whitmire up until about 1880 or 1881? A Yes, I reckon about 1880.

Q Why didn't he enroll you? A Well, I guess he must have, before they commenced drawing the money.

Q Did you ever try to get enrolled? A Yes, I have been enrolled here twice.

Q You drew on the Wallace roll? A Yes, sir, I drew.

Q Your children never drew? A No, my children drawn from the Clifton roll.

Q Uncle Mose any kin to you? A No, sir, his wife was my aunt.

Commissioner: What was your name before you married McIntosh?

A Ratliff.

Q You think your name isn't on the 1880 roll? A I don't think it was, it was dropped someway by mistake, I belonged to Uncle Mose's family at that time.

The 1880 authenticated roll of Cherokee Freedmen examined and the applicants not identified thereon.

The 1896 census roll of Cherokee Freedmen examined and the applicants not identified thereon.

The Kern-Clifton roll examined, and the applicants identified thereon as follows:

Malissa McIntosh on page 104, No. 2594, Cooweescoowee district, as Malissa McIntosh;

Bertha McIntosh on page 104, No. 2595, Cooweescoowee district;

Bennie McIntosh on page 104, No. 2596, Cooweescoowee district.

The Wallace roll examined, and the applicant, Malissa McIntosh, identified thereon, page 128, No. 2696, Cooweescoowee district, as Malissa McIntosh.

MOSES WHITMIRE, being duly sworn and examined before Commissioner Needles, testified as follows:

Mr. Smith: State your name? A Moses Whitmire.

Q What is your postoffice? A Hayden.

Q How long have you lived in the Cherokee Nation? A I have been living in the Cherokee Nation ever since I was born, all my life except when I went out time of the war.

Q How old are you? A I must be 70 years old, seventy some odd.

Q Are you a recognized citizen of the Cherokee Nation? A Yes sir.

Q Do you know this applicant, Malissa McIntosh? A Yes, sir, I know her.

Q How long have you known her? A I have known her ever since she was a little girl.

Q Who was her mother? A Lucy Ratliff.

Q Who was her father? A Alex Ratliff.

Q Was Malissa McIntosh herself born a slave? A Well, yes sir, she was born a slave, her mother was a slave, of Alex Ratliff.



Malissa McIntosh - 4.

Q Whose slave was Malissa McIntosh? A Alex Ratliff, said to be his daughter and slave.

Q Who was Alex Ratliff, a Cherokee citizen? A Yes, sir.

Q Citizen of the Cherokee Nation? A Yes, sir.

Q Where did he live before the war? A Down on the Illinois, near Tahlequah somewhere, must have been Tahlequah.

Q Do you know where this girl, Malissa, and her mother were when the war commenced? A Her mother died, she died about the commencement of the war I guess, or a little before.

Q At what place? A Down where they lived, on the Illinois River.

Q At the Ratliff's? A Yes, sir.

Q Do you know whether this girl was taken out of the Cherokee Nation during the war? A Yes, sir.

Q Do you know when she returned to the Cherokee Nation first after the war? A Yes, sir.

Q When was that? A Why it was in December, '66, with me: with my wife and me, a little girl when she came back.

Q How long did she remain with you after she came with you in '66?

A She remained with me several years, until she grew up and married; she went off a while, but she always made it her home.

Mr. Hastings: Mose, how far did she live from you when the war came up? A Why, she must have lived, I don't know exactly, 25 or 30 miles I guess.

Q You never saw her before the war came up? A Yes, sir, I know right where she was born, she wasn't born right there at all.

Q Where was she born? A She was born in Going Snake district, at her great-aunt's; her mother came up and stayed with her great-aunt until she was born, on Barren Forks.

Q Did you ever see her after that? A Yes, sir.

Q Before the war? A Yes, sir.

Q Where? A Down on the Illinois River.

Q Did you take her out of here during the war? A No, sir, but one of her aunts did.

Q That your wife? A No, sir, my wife's aunt, and we got her after she went to Kansas, my wife did.

Q And you came back here in December, 1866? A Well, that is the time I moved my family, I came back in November, and built my house.

Q Did Aaron come back with you? A Aaron came back with me the first time but he built up above me, me and Aaron came before that.

Q Did Lewis come with you? A Yes, sir.

Q When you moved your family he moved his? A Lewis had no family.

Q He came down with you? A Yes, sir.

Q When you moved your family? A Yes, sir.

Q That was when Lewis came? A Yes, sir.

Q Did he come any time before that? A Yes Lewis come, Lewis come and made a place for his mother and father.

Q That was in November? A Yes, sir.

Q Where did you go back for your family? A In December.

Q Where? A To Kansas, Fort Scott.

Q Who else did you bring besides your own family and this girl?

A I brought my wife's son, Ed Wright.

Q Anybody else? A Lila Ratliff, her great-aunt.

Q Now about how many years did she live with you? A This girl, I don't know exactly how many years, but she lived with me several years after she came here.

Q Your best judgment? A I don't know, I can't tell you.

Q Give years? A Over five years I expect, because she was nothing but a girl when she came.

Q She went to the Creek Nation and married there? A Yes, sir, she went to Muskogee and when she got engaged to be married, and she came back here and fixed up and was married.

Malissa McIntosh - 5.

Q And she then lived in the Creek Nation until a short time ago?

A Well, she knows about how long, I don't. I never attended to her affairs at all, she has been backwards and forwards all the time, I have some of her horses now, she has never took them away, always come and got one or two as she wanted them.

Mr. Smith: How long has she had property, horses, cattle, up there in the Cherokee Nation? A She has had them here ever since she was with me, we gave her some and she worked and bought some, before she went away.

Q Did she have this property there during the time she was away?

A Yes, sir, got some there yet.

Mr. Hastings: How many did she have when she left? A I believe she had ten head of cows and four head of horses.

Q Where did she get them? A We gave her some, and she worked and bought some.

Q She just claimed some you folks had? A She bought some with her money, she was always at work.

Q And these are just the increase of them? A Yes, sir.

Harry Still, being duly sworn and examined before Commissioner Needles, testified as follows:

Mr. Smith: State your name? A Harry Still.

Q How old are you? A 54.

Q Where do you live? A Hayden.

Q Do you know this applicant, Malissa McIntosh? A Yes, sir.

Q How long have you known her? A Since '62.

Q Was she born a slave? A I think so, yes, sir.

Q About when was she born? A I don't know exactly when she was born, I met her, the first time I saw her it was in '62.

Q Who was she with? A She got in our crowd and went with us to Kansas; I have always heard she belonged to the Ratliffs.

Q Do you know when she came back to the Cherokee Nation after the war? A Yes sir, she came back a little while before Christmas in '66 with Uncle Mose.

Q Mose who? A Whitmire, he raised her.

Q Where has she been living since that time? A Well, she has been living here in the Cherokee country a good deal of the time.

Q How long did she live with Mose Whitmire, how long did she live with him after she came back here in '66? A She lived with Mose till she got to be a grown girl, right around in that country there.

Q Did she ever marry? A Yes, sir.

Q Who did she marry? A McIntosh, Benny.

Q Then after she married, where did her husband live, if you know?

A Lived down there on the Arkansas river.

Q In what Nation? A I guess down in the Creek country, I don't know.

Mr. Hastings: Do you know how long she lived over there? A No, sir.

Q You know how many children were born to her there? A I don't know as any children were born there, she has been going backwards and forwards all the while to old man Mose's ever since I knew her.

Q Were the children born up here at Mose Whitmire's? A I don't know whether they were or not.

Q Have you been told where they were born? A No, sir, I never asked anything about that.

Q You never heard anything about that? A No, sir.

Q How old are you now? A I am about 54 I think.

Q And you were 16 years old when the war closed? A No, sir, I was older than that, wasn't I; when the war closed; I can remember better then that I can now, when the war closed.

Q Well, who did you come back here with? A Came back here with my mother and my sister and Tilda Lacy and Jim Lacy.

Malissa McIntosh - 6.

Q What time of the year did you come back? A I came here three times, sir.

Q What time did you first come? A '85.

Q Your mother with you then? A No, sir.

Q What time did this girl come? A This girl came down along in the winter of '88 when she came here, with Uncle Mose.

Q What time did your mother come with you? A She came in the spring of '88.

Q Your sister with you then? A Yes, sir, with me then.

Q ~~Where~~ Where were you living when this woman was brought down there? A I was living on the forks of Lightening Creek, known as the old Rachel Glass place.

Q How far was that from Mose Whitmire? A Five miles, or six, perhaps.

Q Do you remember when everybody came down there 35 years ago, willing to swear definitely about that? A Yes, sir, willing to swear definitely.

Q How long did she live there? A Lived there from the time she was a girl clean up till she married Ben.

Q When did she marry Ben? A I ~~xxx~~ don't know the exact date she married Ben.

Q Where is she living now? A She has got a place down here in the Cherokee Nation.

Q Where is it? A This side of Tulsa.

Q Were you ever at it? A Yes, sir.

Q When? A There last fall.

Q Was she living on it then? A She had some stock there.

Q Was she there in parson? A I didn't see her on the place living, but I met her closeto the place there, right there this side of - - -

MALISSA MCINTOSH, recalled, testified:

Commissioner: You married Ben McIntosh over in the Creek Nation?

A Yes, sir.

Q How long since you moved from the Creek Nation to the Cherokee Nation; how long since you moved back here? A I have lived back and forth all the time.

Q You couldn't have two homes; have you lived with your husband in the Creek Nation? A I lived there with him eight years I guess, when we separated, and I come - - -

Q Since you separated you have lived continuously in the Cherokee Nation? A Well, count up and see, he was parted from me three years before that.

Q You had been separated at that time? A That was about '91 then? A I guess.

Mr. Hastings: Who brought the suit for divorce, you? A No, sir, I didn't.

Commissioner: This paper states you were divorced in 1894, and you say you separated from him about three years before that? A Read that and see what it says.

Q You state what you know. How long have you been separated?

A About ten years I guess.

Q You have lived in the Cherokee Nation about ten years then?

A No, sir, I haven't lived in the Cherokee Nation all the time, I stayed there part of the time.

Q I want to know how long you have lived in the Cherokee Nation since you were married, since you were separated? A I haven't lived very long.

Q Since you have separated then you have lived some of the time in the Creek Nation? A Yes, sir.

Q I want to know how long you have lived in the Cherokee Nation in



Malissa McIntosh - 7.

that time? A. I have been living about a year on the place.

Q. Since that you have lived in the Creek Nation, have you? A. Yes, sir, must of the time.

Q. What was your owner's name? A. Ratliff.

Q. What was his first name? A. Alexander Ratliff.

Q. He was a Cherokee citizen, was he? A. Yes, sir, he was a Cherokee citizen.

Mr. Smith: During the time you lived in the Cherokee Nation, did you have any property of any kind in the Cherokee Nation? A. Yes sir, what I had was here.

Q. What did you have? A. Why I had some stock, some horses and some cattle.

Q. Where were they? A. Uncle Mose kept them.

Mr. Hastings: How did you acquire them; where did you get them?

A. Why they gave me a start.

Q. That was the increase of them? A. Yes, sir.

Commissioner: You say that these two children are living with you in the Cherokee Nation? A. Yes, sir.

Q. They were born in the Creek Nation? A. Yes, sir.

Q. They never drew Creek money? A. No, sir.

Q. You never enrolled them as Creek citizen? A. No, sir, never enrolled them no place but here.

Q. You never enrolled yourself as a Creek citizen? A. No, sir, I never wanted to be a Creek citizen.

Mr. Hastings: I want to know how that divorce was got? A. Well he deserted me and the children, and he was gone three years, and the law there is you can get a divorce for three years separation.

Q. Did you get it? A. He had it made out and sent it to me.

Commissioner: Malissa McIntosh applies for the enrollment of herself and two children, Bertha and Bennie. She cannot be identified upon the authenticated roll of 1880, or the census roll of 1896, but she is duly identified on the Kern-Clifton and Wallace rolls, and her two children as enumerated are identified upon the Kern-Clifton roll. She avers that she is married to one Ben McIntosh, a Creek citizen, and that she was formerly the slave of Alex Ratliff, a Cherokee citizen. She avers that she lived in the Creek Nation until about one year ago, and that during all the time of her marriage with McIntosh she had property in the Cherokee Nation. She avers that she is separated from her husband McIntosh. Now the said Malissa McIntosh and her two children, Bertha and Bennie, will be listed for enrollment as Cherokee Freedmen on a doubtful card, awaiting further consideration of the Commission. She will be notified by mail of the decision of the Commission in her case when arrived at. Because of the fact that the father of her children is a Creek citizen, and that she resided in the Creek Nation, a copy of the testimony now being taken will be transmitted to the General Offices of the Commission at Muskogee for their information as to Creek citizenship.

\*\*\*\*\*

Bruce C. Jones, being duly sworn, says that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the proceedings and testimony in the above case, and the foregoing is a true and complete transcript of his stenographic notes thereof.

Signed, Bruce C. Jones,

Sworn to and subscribed before me this the 19th of June, 1901.

Signed, T. B. Needles,

Commissioner.

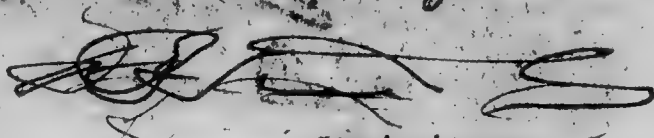
+++++

Malissa McIntosh -8.

Bruce C. Jones, stenographer to the Commission to the Five Civilized Tribes, being duly sworn, says that he copied the foregoing testimony in the matter of the application of Malissa McIntosh for the enrollment of herself and two children as Cherokee Freedmen, and that the same is a true copy from the original.

Bruce C. Jones

Sworn to and subscribed before me this the 25th of July, 1901.



Commissioner.

COMMISSIONERS.

HENRY L. DAWES,  
TAMM BIXBY,  
THOMAS B. NEEDLES,  
C. R. BRECKINRIDGE

ALLISON L. AYLESWORTH,  
SECRETARY

DEPARTMENT OF THE INTERIOR,

COMMISSION TO THE FIVE CIVILIZED TRIBES.

ADDRESS ONLY THE  
COMMISSION TO THE FIVE CIVILIZED TRIBES

Muskogee, Indian Territory, FEB 1 1902, 1902.

Received on this date from the Commission to the Five  
Civilized Tribes a copy of the record of proceedings in the matter  
of the application of Ben McIntosh for enrollment of Bertha and  
Ben R. McIntosh as citizens of the Creek Nation.

*A. M. Neecop*

Attorney for Creek Nation.

Creek No. 65.

CR EN 66

CR EN 66

DEPARTMENT OF THE INTERIOR,  
COMMISSION TO THE FIVE CIVILIZED TRIBES.  
MUSKOGEE, I. T., AUGUST 2nd, 1900.

In the matter of the application of Dollie Harvison, for the enrollment as citizens by blood of the Creek Nation, of her minor children, Floyd, Irene, Clifford and Marie Harvison.

DOLLIE HARVISON, being duly sworn, testified as follows:--  
(By The Commission)

- Q What is your name? A Dollie Harvison.  
Q What is your age? A Thirty-six years.  
Q What is your post office address? A Gibson Station.  
Q Have you ever been recognized by the tribal authorities of the Creek Nation as a citizen of the Creek Nation? A Yes sir.  
Q Have you ever been enrolled by the Creek tribal authorities as a citizen of the Creek Nation? A I don't know; my husband might have put my name down on the roll.  
Q Does your name appear on the tribal rolls of the Creek Nation?  
A I don't know that.

The authenticated tribal rolls of the Creek Nation, Hickory Ground town, for the year 1890 examined, and the name of Dollie Harvison found on page 128. Also on the authenticated tribal roll of Hickory Ground town for the year 1895 the name of Dollie was found thereon at number 280.

- Q You make application for the enrollment of your four minor children, Floyd, Irene, Clifford, and Marie Harvison as citizens by blood of the Creek Nation? A Yes sir.  
Q How old is Floyd Harvison? A He is 13 years old last April.  
Q How old is Irene? A Eleven.  
Q How old is Clifford? A Eight.  
Q How old is Marie Harvison? A Five years old.  
Q Are these four children all now living? A All living.  
Q Have these four minor children of yours been recognized by the tribal authorities of the Creek Nation as citizens of the Creek Nation? A They have.  
Q Have they ever been enrolled by the Creek tribal authorities as citizens of the Creek Nation? A Yes sir.  
Q Do their names all appear on the tribal rolls of the Creek Nation?  
A They do.

The authenticated rolls of the Creek Nation, Hickory Ground town for the year 1890 examined, and the names of Floyd and Jennie Harvison found thereon on page 125.

Also the authenticated tribal roll of the Creek Nation, Hickory Ground town, for the year 1898 examined, and the names of Floyd, Clifford and Jennie found thereon Numbered 251, 252 and 253 consecutively.

- Q How many children did you have living in 1890, and what were their names? A Two; Floyd and Irene.  
Q You had no children living at that time by the name of Jennie Harvison? A No sir.  
Q Did you ever have any kin folks in your family by the name of Jennie Harvison? A No sir.



DEPARTMENT OF THE INTERIOR,  
COMMISSION TO THE FIVE CIVILIZED TRIBES.  
MUSKOGEE, I.T., AUGUST 2nd, 1900.

- Q Did you ever have anybody living with you or any of your kin folks by the name of Jennie Harvison? A No sir.
- Q Money was only drawn in the year 1890 from the Creek Nation, for William Harvison, yourself, Floyd, Irene & A Yes sir.
- Q You only received payment for four at that time? A Yes sir.
- Q You have no doubt in your mind but that the name of Jennie Harvison as it appears upon the 1890 authenticated Creek roll of Hickory Ground town, was meant for Irene Harvison? A It certainly must have been meant for Irene.
- Q Did you have any children living in 1895 by the name of Jennie Harvison? A I did not.
- Q You never had any children by the name of Jennie Harvison? A No sir.
- Q You never had any kin folks by that name? A No sir.
- Q How many children did you or your husband draw money for from the Creek Nation in 1895? A Three.
- Q What were the names of those children? A Floyd, Irene, Clifford.
- Q You have no doubt in your mind but that the name of Jennie, as it appears upon the 1895 authenticated roll was intended for Irene? A I have no doubt but that it was intended for Irene.
- Q You and these minor children have also been enrolled by the tribal authorities of the Cherokee Nation as Cherokees have they not? A Yes sir.
- Q You have been recognized as a Cherokee Indian for the reason that you are a Cherokee by blood? A Yes sir.
- Q You and your minor children were adopted by the tribal authorities of the Creek Nation as Creeks were you not? A I don't know anything about adoption, but I thought I was a Creek citizen by marriage.
- Q You did not apply here for the enrollment of yourself as a citizen of the Creek Nation? A I did not apply for citizenship for myself in the Creek Nation.
- Q You simply apply for the enrollment of your four minor children as citizens of the Creek Nation? A Yes sir.
- Q Are you advised that the act of congress approved June 28, 1898, commonly known as the Curtis bill contains the following provision:  
"The several tribes may by agreement determine the right of persons who for any reason may claim citizenship in two or more tribes and to allotment of lands and distribution of moneys belonging to each tribe, but if no such agreement be made, then said claimant shall be entitled to such right in one tribe only, and may elect in which tribe he will take such right."  
A Yes sir.
- Q Where do you live? A Near Gibson Station in the Creek Nation.
- Q You make your residence there do you? A Yes sir.
- Q How long have you lived there? A I have lived there about 8 months; in the Creek Nation, though a number of years in different places. I have lived in the Creek Nation for 15 years.
- Q Where did you live prior to going to Gibson Station? A Muskogee.
- Q How long did you live there? A About six months.
- Q Where did you live prior to that time? A Wagoner.
- Q How long did you live there? A I lived at Wagoner about six years. we lived at Gibson Station again about a year.

#3.

- Q As a matter of fact you have resided in the Creek Nation continuously for the past 15 years. A Yes sir.
- Q Have these four minor children resided with you? A Yes sir.
- Q All the time since their birth? A Yes sir.
- Q What was your father's name? A William Mackey.
- Q Is he now living? A No sir.
- Q During his life time was he a citizen of the Creek Nation? A No sir.
- Q What is the name of your mother? A Nancy Drew.
- Q Is she now living? A No sir.
- Q During her life time was she a citizen of the Creek Nation? A No sir.
- Q Was your father a citizen of the Cherokee Nation? A Yes sir.
- Q Your mother was also a citizen of the Cherokee Nation? A Yes sir.
- Q Who is the father of Floyd, Irene, Clifford and Mary Harvison? A William Harvison.
- Q Is he now living? A No sir.
- Q In his life time did his name appear upon the rolls of the Creek Nation? A Yes sir.
- Q To what town in the Creek Nation did he belong? A Hickory Ground.
- Q How long ago did your husband, William Harvison die? A He died about three years ago last January.
- Q He was a recognized citizen of the Creek Nation was he not? A Yes sir.
- Q Was his name ever upon the rolls of the Cherokee Nation? A No sir.
- Q He never made any claims to citizenship in any other nation in the Indian Territory except the Creek Nation? A No sir.

The authenticated 1890 tribal roll of the Creek Nation, Hickory Ground town examined, and the name of Wm. Harvison found thereon, on page 125.

Also the authenticated 1895 tribal roll of the Creek Nation, Hickory Ground town examined, and the name of Wm. Harvison found thereon at number 349.

- Q You have not resided outside of the Indian Territory in the past three years have you? A No sir.
- Q What proportion of Creek blood do you claim for these children? A I am not sure, but I think my husband claimed a quarter; I am not positive about that; that would give them one-eighth.

You will be furnished at a later date with a copy of the decision of the Commission with reference to the application made by you at this time for the enrollment of your four minor children, Floyd, Irene, Clifford, and Marie Harvison as citizens by blood of the Creek Nation, which will be mailed to you at your proper post office address--Gibson Station, Indian Territory. The Commission will transmit such memoranda of this application as has been taken at this time, together with a copy of its decision in regard to your application for the enrollment of your minor children, to the Honorable Secretary of the Interior when the final rolls of the citizens of the Creek Nation are sent to him for his consideration and approval.

-----o-----  
E. Hastain, being duly sworn states that as stenographer to the Commission to the Five Civilized Tribes, he reported the above case and the foregoing is a true, full and correct transcript of his stenographic notes taken in said case.

Subscribed and sworn to before me this 14  
day of August, 1900 at Muskogee, Ind. Ter.

*E. Hastain*  
Acting Chairman.



(Copy)

DEPARTMENT OF THE INTERIOR,  
COMMISSION TO THE FIVE CIVILIZED TRIBES,  
MUSKOGEE, I.T., FEBRUARY 21st, 1901.

In the matter of the application of Dollie Harvison for enrollment as a citizen of the Cherokee Nation; said Harvison being sworn and examined by Commissioner Needles, testified as follows:

- Q What is your name? A Dollie Harvison.  
Q What is your age, Mrs. Harvison? A 37.  
Q What is your post office address? A Sipsen Station.  
Q What district do you live? A It is in the Creek Nation.  
Q Who do you desire to enroll? A Myself, only myself.  
Q Are you married? A No, I am a widow.  
Q What was your name before you were married? A Dollie Mackey.  
Q Are you a recognized citizen of the Cherokee Nation? A Yes, sir.  
Q By blood? A Yes, sir.  
Q What is your father's name? A William Mackey.  
Q Is he living? A No, sir, he is dead.  
Q What is your mother's name? A Nancy Mackey.  
Q Is she dead? A Yes, sir.  
Q Mrs. Harvison, your name does not appear upon any of the rolls?  
A In 1896 I went to Tahlequah; William Vann was on the citizenship Committee and he said he would enroll, he said he could attend to it for me.  
Q Are you a recognized Creek citizen? A No, sir; I am just living here with my children. I have no property at all in the Creek Nation, I have property in the Cherokee Nation.  
Q Your name does not seem ~~to~~ to be on the pay roll of 1894, the strip payment roll? A I drew it at Vinita.  
Q You are only applying for the enrollment of yourself? A That is all.  
Q What about your children? A They are Creek; my husband is a Creek they are enrolled as Creeks.  
Q Your name don't appear to be on the pay roll? A I certainly drew the money at Vinita.

Applicants name is identified on the pay roll of 1894, page 204, #1898, as Dolly M. Harrison, Cooweescoowee district.

- Q Have you got a middle name? A That M was for Mackey.

Com'r Needles:--The name of Dollie Harvison is found upon the pay roll of 1894 ~~and identified as~~ as Dolly M. Harrison. Her name cannot be found upon the authenticated roll of 1880 nor the census roll of 1896 and no satisfactory proof as to her citizenship is presented, consequently final judgment as to the enrollment of the said Dollie Harvison as a Cherokee citizen by blood will be suspended and her name will be placed upon a doubtful card, awaiting satisfactory proof as to her citizenship.

---ooo000ooo---

SUPPLEMENTAL TESTIMONY to the above application: ANNIE ELLIOTT being sworn and examined by Commissioner Needles, testified as follows:

- Q What is your name? A Annie Elliott.  
Q What is your age? A 5½ years old.  
Q What is your post office? A Muskogee.  
Q Do you know Mrs. Harvison here? A Yes, sir.  
Q How long have you known her? A All her life.  
Q Did you know her mother? A Yes, sir.  
Q What was her mother's name? A Nannie Drew.  
Q Well, was she a citizen of the Cherokee Nation? A Yes, sir.  
Q Recognized by the Cherokee authorities? A Yes, sir.

Dollie Harvison--2.

Q Is her name on the rolls of the Cherokee Nation? A Well, I could not say positive about that.

Q Did you know her father? A Yes, sir.

Q Well was he a Cherokee citizen? A Yes, sir.

Q When did he die? A I could not tell you the date.

Com'r Needles to Applicant, Mrs. Harvison: Let her tell anything that you think would be of benefit to your case, Mrs. Harvison:

The Witness, Mrs. Elliott, continued: I have known all of them ever since I can remember.

Q What degree of blood did her mother have? A I could not tell you how much.

LUCY STARR, being sworn and examined by Commissioner Needles, testified as follows:

Q What is your name? A Lucy Starr.

Q What is your age, Mrs. Starr? A 35.

Q What is your post office address? A McKey.

Q Do you know Dollie Harvison? A Yes, sir.

Q What do you know about her father and mother? A Her father was an uncle of mine, Will Mackey, and her mother I don't know, she died before I could remember; I know her father though.

Q Was he a citizen? A Citizen by blood, he was a brother of my father.

---ooo000ooo---

J. O. Rosson, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes, he correctly recorded the testimony and proceedings in this case, and that the foregoing is a true and complete transcript of his stenographic notes thereof.

(Signed)

J. O. ROSSON.

Subscribed and sworn to before me this 23d day of February, 1901.

(Signed)

T. F. Needles.

Commissioner.

Department of the Interior,  
Commission to the Five Civilized Tribes.

\*\*\*\*\*  
In the matter of the application of Dollie Harvison, for enrollment as citizens of the Creek Nation, of her four minor children, Floyd, Irene, Clifford and Marie Harvison.

\*\*\*\*\*  
Statement of Facts.

It appears from the evidence in the matter of the application of Dollie Harvison for the enrollment of her four minor children, Floyd, Irene, Clifford and Marie Harvison that said four minor children are, 13, 11, 8, and 5 years of age respectively; it further appears that the names of Floyd and Jennie, together with the names of their father Wm. Harvison and mother Dollie Harvison are on the authenticated tribal roll of the Creek Nation of 1890; it further appears that the names of Floyd, Clifford and Jennie together with the names of their father and mother are on the authenticated tribal roll of the Creek Nation of 1895; it further appears that they are all recognized citizens of the Creek Nation and duly and lawfully enrolled as such; it further appears that the name of Marie Harvison does not appear upon any of the authenticated rolls of the Creek Nation now in possession of the Commission for the reason that she is only five years of age and was not born until after said rolls were made; it further appears that the said Irene Harvison is the same person whose name appears on said 1890 authenticated roll as Jennie Harvison, and on the 1895 authenticated roll as Jennie; it further appears that the mother of said four minor children, Dollie Harvison, is also a recognized citizen of the Cherokee Nation; it further appears that said four minor children have resided in the Creek Nation all their lives.

Paragraph eight -8- of Section twenty-one -21- of the Act of Congress, approved June, 28th, 1898, provides in part as follows, to-wit:

"The several tribes may by agreement determine the right of persons who for any reason may claim citizenship in two or more tribes and to allotment of lands and distribution of moneys belonging to each tribe, but if no such agreement be made, then such claimant shall be entitled to such right in one tribe only, and may select in which tribe he will take such right."

It further appears that that portion of said paragraph -8- of Section -21- of the Act of Congress, approved June, 28th 1898, as above quoted, was duly read over to the said Dollie Harvison, and that she understands the provisions thereof.

JUDGMENT.

It is, therefore, the judgment of said Commission that the said Floyd, Irene, Clifford and Marie Harvison are citizens by adoption of the Creek Nation and that the said Floyd, Irene and Clifford Harvison having been duly identified as the same persons whose names appear on the authenticated tribal rolls of the Creek Nation of 1890 and 1895 as aforesaid, and Marie Harvison, aged five years, having also been duly identified as the daughter of said Wm. and Dollie Harvison, shall be, under the provisions of said act of Congress above quoted, duly listed for enrollment as citizens of the Creek Nation and it is so ordered.

By the Commission to the Five Civilized Tribes.

Dated at Muskogee, Ind. Ter.,

This 17th day of Sept 1900.

Attest:

Commissioner.

.....  
Commissioner.

COMMISSIONERS  
HENRY L. DAWES,  
TAMM BIXBY,  
THOMAS B. NEEDLES,  
C. R. BRECKINRIDGE.

ALLISON L. AYLESWORTH,  
SECRETARY.

DEPARTMENT OF THE INTERIOR,  
COMMISSION TO THE FIVE CIVILIZED TRIBES.

(COPY)

ADDRESS ONLY THE  
COMMISSION TO THE FIVE CIVILIZED TRIBES

Muskogee, Indian Territory, September 12th, 1900.

Dollie Harvison,

Gibson Station, Indian Territory.

Dear Madam:

You will find herewith the decision of the Commission in the matter of the application made by you for the enrollment of your four minor children, Floyd, Irene, Clifford and Marie Harvison, who have been found by the Commission to be entitled to be listed for enrollment as citizens by adoption of the Creek Nation.

You are advised that it will be necessary for you, to be appointed by the United States Court for the Indian Territory, as guardian for the minor children hereinabove referred to, before the Commission can permit you to make a selection of land for them.

Yours truly,

Tamm Bixby.

Enc. --48.

Acting Chairman.

(COPY)

Muskogee, Indian Territory, January 17, 1902.

A. P. McKellop, Esq.,

H. C. Reed, Esq.,

Attorneys for Creek Nation,

Muskogee, Indian Territory.

Gentlemen:

There is herewith enclosed a copy of the decision of the Commission to the Five Civilized Tribes in the matter of the application for the enrollment of Floyd, Irene, Clifford and Marie Harvison, as citizens of the Creek Nation.

The decision, with a copy of the proceedings had in the case, is this day transmitted to the Secretary of the Interior for his review and decision. The final decision of the Secretary will be made known to you as soon as the Commission is informed of the same.

Yours truly,

T.B. Needles.

Commissioner in charge.

1 enclosure NARSS.  
Registered.

(COPY)

Muskogee, Indian Territory, January 17, 1902.

The Honorable,

The Secretary of the Interior.

Sir:

There is herewith transmitted the record of proceedings in the matter of the application of Bellie Harvison for the enrollment of her children, Floyd, Irene, Clifford and Marie Harvison, as citizens of the Creek Nation, including the decision of the Commission, dated September 11, 1900, enrolling said applicants as citizens of said nation.

Respectfully,

T.B.Needles.

Commissioner in charge.

1 enclosure  
Creek 66.

Through the Commissioner  
of Indian Affairs.

(COPY)

Refer in reply to the following:

Land.  
4005-1902.

Department of the Interior,  
Office of Indian Affairs,  
Washington, January 31, 1902.

The Honorable

The Secretary of the Interior.

Sir:

There is inclosed herewith a report dated January 17, 1902, from T. B. Needles, Esq., Commissioner in charge of the work of the Dawes Commission, transmitting for the consideration of the Department the record in the matter of the application of Dollie Harvison for the enrollment of her four minor children Floyd, Irene, Clifford and Marie Harvison, as citizens of the Creek Nation.

On September 11, 1900, the Commission rendered judgment as follows in this case :

"It is therefore the judgment of said Commission that the  
"said Floyd, Irene, Clifford and Marie Harvison are citizens  
"by adoption of the Creek Nation and that the said Floyd, Irene  
"and Clifford Harvison, having been duly identified as the same  
"persons whose names appear on the authenticated tribal rolls  
"of the Creek Nation of 1890 and 1895 as aforesaid, and Marie  
"Harvison, aged five years, having been duly identified as the  
"daughter of said Wm. and Dollie Harvison, should be, under the  
"provisions of the act of Congress above quoted (June 28, 1898),  
duly listed for enrollment as citizens of Creek Nation and it is  
so ordered."



From the record it appears that the father and mother of these applicants are recognized citizens of the Creek Nation and that the mother is also a recognized citizen of the Cherokee Nation. This being true, the applicants would be entitled, under the provisions of the Curtis Act, to the privilege of electing in which nation they will take such rights.

The applicants, having elected to take their rights in the Creek Nation, the office believes the decision of the Commission is correct; that it should be approved and so recommends.

Very respectfully,  
Your obedient servant,

A. C. Tonner,

Acting Commissioner.

GAW  
D

3 inclosures.

COMMISSIONERS:  
HENRY L. DAWES,  
TAMM DIXIEY,  
THOMAS B. NEEDLES,  
C. R. BRECKINRIDGE.

ALLISON L. AYLESWORTH,  
SECRETARY.

DEPARTMENT OF THE INTERIOR,  
COMMISSION TO THE FIVE CIVILIZED TRIBES.

(COPY)

ADDRESS ONLY  
COMMISSION TO THE FIVE CIVILIZED TRIBES

Muskogee, Indian Territory, February 11, 1902.

Bellie Harvison,

Gibson Station, Indian Territory.

Dear Madam:

You are hereby advised that the Secretary of the Interior, under date of February 4, 1902, affirmed the decision of the Commission, dated September 11, 1900, enrolling your children, Floyd, Irene, Clifford and Marie Harvison, as citizens of the Creek Nation.

Yours truly,

T.B.Needles.

Commissioner in charge.

COMMISSIONER  
HENRY L. DAVIS  
TAMM SIXBY  
THOMAS B. NEEDLES  
C. R. BRECKINRIDGE

ALLISON L. AYLESWORTH  
SECRETARY

DEPARTMENT OF THE INTERIOR.  
COMMISSION TO THE FIVE CIVILIZED TRIBES.

(COPY)

ADDRESS ONLY LINE  
COMMISSION TO THE FIVE CIVILIZED TRIBES

Muskogee, Indian Territory, February 11, 1908.

A. P. McKellop, Esq.,

R. O. Reed, Esq.,

Attorneys for Creek Nation,

Muskogee, Indian Territory.

Gentlemen:

You are hereby advised that the Secretary of the Interior, under date of February 4, 1908, affirmed the decision of the Commission, dated September 11, 1900, enrolling the children of Bollie Harvison, Floyd, Irene, Clifford and Marie Harvison, as citizens of the Creek Nation.

Yours truly,

T.B.Needles.

Commissioner in charge.

DEPARTMENT OF THE INTERIOR,

COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

ALLISON L. HYLAND, JR.,  
SECRETARY.

Muskogee, Indian Territory, March 13, 1901.

Hon. Tamm Dixey,

Acting Chairman,

Okmulgee, Indian Territory.

Dear Sir:--

Enclosed herewith, please find four copies of the testimony in the matter of the application of Dollie Harvison for enrollment as a citizen by blood of the Cherokee Nation, and a memorandum stating:

"Dollie Harvison was listed for enrollment as a citizen by blood of the Cherokee Nation on the 21st day of February, 1901, upon Cherokee Roll Card, Field No. D - 1132."

I also enclose a letter from Mrs. Harvison asking if she can take her allotment and that of her children in the Creek Nation.

Very respectfully,



Commissioner.

Enc. C - D 1132.

Gibson Sta, C. T.  
Mar. 6<sup>th</sup> 1901.

Hon. James Bixby -  
Daws Com. Muscogee  
I. T.

I. have been advised  
by one of the commission  
at Muscogee that I. can  
take my allotment in  
the Creek Nation with  
my children as my  
name appears on two  
most important rolls..  
I should like very much  
to do this as I have lived  
in the Creek Nation for  
nearly twenty years and

COMMISSION TO FIVE TRIBES.			
No.	Received	ANSWERED	
		Book	Page
3822	MAR 18 1901		
1901			

Harrison, Mrs. Anna B.  
 Gibson, J. J.

Mar 6-1901

CHEROKEE

CHEROKEE

Wants to know if she can take  
 her allotment and those of her  
 children, in Creek Nation, will  
 relinquish all claim to Cherokee  
 citizenship

1122

will have to continue  
to live here as my four  
creek children are all  
minors. will also relinquish  
all claims in Cherokee Nation  
if I am allowed to select  
my 160 acres in Creek Nat.  
Please let me know  
what I can do.

Respectfully  
Mrs. Anna D. Harvin  
Gibson Sta.  
D. T.



Bollie Harvisee was listed for enrollment as a citizen  
by blood of the Cherokee Nation on the 21st day of February, 1901,  
upon Cherokee Roll Card, Field No. B - 1122.

(COPY)

D.C.No. 1930-1902.  
L.R.S.

F.

Department of the Interior.  
Washington.

I.T.D. 657-1902.

February 4, 1902.

Commission to the Five Civilized Tribes,

Muskogee, I. T.

Gentlemen:

January 31, 1902, the Acting Commissioner of Indian Affairs transmitted the record in the matter of the application of Dollie Harvison for enrollment of her minor children, Floyd, Irene, Clifford and Marie Harvison, as citizens of the Creek Nation, and recommended that your decision of September 11, 1900, should be approved.

You found that the names of Floyd, Irene and Clifford Harvison are upon authenticated Creek rolls; that Marie, aged five years, is the daughter of William and Dollie Harvison, and that all these applicants should be enrolled as citizens of the Creek Nation, under the act of June 28, 1898 (30 Stat., 495).

The Department affirms your decision, and you will act accordingly. A copy of the Acting Commissioner's letter is inclosed herewith.

Respectfully,

Thos. Ryan  
Acting Secretary.  
EMD.

1 inclosure.

DEPARTMENT OF THE INTERIOR,  
COMMISSION TO THE FIVE CIVILIZED TRIBES.  
Muskogee, Ind. Ter., February 12, 1903.

On a consultation of the records of the Cherokee Enrollment Division, it appears that the application for the enrollment of Dollie Harvison, as a citizen, by blood, of the Cherokee Nation, was denied by the Commission, and said decision was approved by the Department, August 4, 1902.

COMMISSIONERS:

HENRY L. DAWES,  
TAMM BIXBY,  
THOMAS B. NEEDLES,  
C. R. BRECKINRIDGE

ALLISON L. AYLESWORTH,  
SECRETARY

DEPARTMENT OF THE INTERIOR,

COMMISSION TO THE FIVE CIVILIZED TRIBES.

ADDRESS ONLY THE  
COMMISSION TO THE FIVE CIVILIZED TRIBES

Muskogee, Indian Territory, FEB 1 1902, 1902.

Received on this date from the Commission to the Five  
Civilized Tribes a copy of the record of proceedings in the matter  
of the application of Dollie Harvison for the enrollment of her  
children as citizens of the Creek Nation.

A. P. M. Keeloz

Attorney for Creek Nation.

Creek No. 66.

RESIDENCE:

Wagoner

POST OFFICE:

Cottonwood, Ind. Ar.

CREEK

Nation.

CREEK Roll.

CARD No. 2969

FIELD No. 3261

Dawes' Roll No.	NAME.	Relation-ship to Person first Named.	AGE	SEX.	BLOOD.	TRIBAL ENROLLMENT.			TRIBAL ENROLLMENT OF PARENTS.					
						Year.	District.	No.	Name of Father.	Year.	District.	Name of Mother.	Year.	District.
8504	Harrison, Lollie		37	F.	1/6	1890	Hickory Ground	Page 125	William Macken	dead	Cherokee	Nancy Drew	dead	Cherokee
8505	" Floyd	son	14	M.	1/6	1890	"	125	William Harrison	"	Hickory Ground	No. 1		
8506	" Irene	daughter	12	F.	1/6	1890	"	125	"	"	"	No. 1		
8507	" Clifford	son	9	M.	1/6	1895	"	252	"	"	"	No. 1		
8508	" Marie	daughter	6	F.	1/6				"	"	"	No. 1		
6						No. 1 on 1895 Roll, No. 250.								
7						" Cherokee; Elects in Creek Nation. See allotment 12522, July 3 <sup>rd</sup> 1901.								
8						Nos. 2, 3, 4 & 5 transferred from Card #2037.								
9						No. 2 on 1895 roll # 254.								
10						" 3 " 1895 " # 253, as "Jennie Harrison".								
11						" 3 " 1890 " as "Jennie Harrison".								
12						For children of No. 1 on Card 2037.								
13						Nos. 2, 3, 4 & 5, Enrollment Case #66. Limited by Commission.								
14						Sept. 11 <sup>th</sup> 1900; Decision affirmed Feb. 4 <sup>th</sup> 1902.								
15						# 1 on Cherokee Card D. 112.								
16	CITIZEN. CERT'F ISSUED FOR No. 1.					Jan. 15 <sup>th</sup> 1901.								
17	JUL - 3 1901													
18														

ENRC: 1

T.

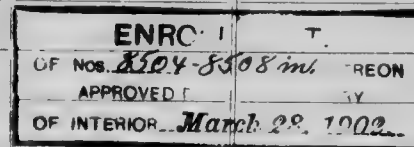
OF NOS. 8504-8508 incl. REON

APPROVED: JY

OF INTERIOR. March 28, 1902.

May 23<sup>rd</sup> 1901.

Nos. 2, 3, 4 & 5, Jan. 15<sup>th</sup> 1901.



May 23<sup>rd</sup> 1901.  
Nos. 2, 3, 4 & 5, Jan. 15<sup>th</sup> 1901.

CR EN 67

CR EN 67

DEPARTMENT OF THE INTERIOR.  
COMMISSION TO THE FIVE CIVILIZED TRIBES.  
MUSKOGEE, I.T., AUGUST 6, 1900.

\*\*\*\*\*

In the matter of the application of Mary J. Willison for enrollment as a citizens by blood of the Creek Nation of her minor children, Howard D., James M. and Helen Willison. Mary J. Willison being first duly sworn, testified as follows:

By the Commission.

- Q What is your name? A Mary J. Willison.  
Q What is your age? A I am 48 years old.  
Q What is your post office address? A Gibson Station, Indian Territory.  
Q For whom are you applying for enrollment as citizens by blood of the Creek Nation? A For my children, Howard D., James M. and Helen Willison.  
Q What is the age of your son, Howard? A 20 years old the last of October.  
Q What is the age of James? A 17 last May.  
Q What is the age of Helen? A Helen was 8 last August.  
Q Are these three minor children of yours now living? A Yes sir.  
Q Do they live with you? A Yes sir.  
Q Your post office address is the same as theirs? A Yes sir.  
Q Have your three minor children, Howard D., James M. and Helen Willison ever been recognized by the Creek tribal authorities as citizens of the Creek Nation? A Yes sir, I suppose so, they have participated in all the payments that have been made here, and lived here all their lives.  
Q Have these three minor children of yours been enrolled by the tribal authorities of the Creek Nation as citizens of the Creek Nation? A Yes sir.  
Q Do the names of your three minor children, Howard D., James M., and Helen Willison appear upon the tribal rolls of the Creek Nation? A They do, yes sir.

The authenticated rolls of the Creek Nation for the year 1890, Coweta Town, examined, and the names of Howard and James Williston found on page 50; also the authenticated rolls of the Creek Nation, for the year 1895, Coweta Town, examined, and the names of Howard Willison, James and Helen, found thereon, numbered consecutively, 315, 317 and 318.

- Q Where do these minor children of your live? A At Gibson Station.  
Q How long have they lived there? A Lived there all their lives.  
Q You are the mother of these three children, are you not?  
A Yes sir.  
Q Your name does not appear upon the rolls of the Creek Nation.  
A No, no, not that I know of.  
Q You are a citizen of the Creek Nation, are you not? A Yes, I am a Cherokee.  
Q Is your name on the authenticated rolls of 1880 of the Cherokee Nation? A I do not know whether it is or not. I got the money but I do not remember whether it was in 1880 or not.  
Q Have these three minor children of yours ever been recognized by the tribal authorities of the Cherokee Nation?  
A No, they never were, because we lived over here all the time.  
Q Have these three minor children of yours ever been enrolled by the Cherokee tribal authorities as citizens of the Cherokee Nation?



- A I drew the script money that is paid just to Cherokee people. They have always objected to my children as citizens over there, because we lived here.
- Q Do their names appear upon the tribal rolls of the Cherokee Nation? A I do not know. I drew the script money, I suppose they would be enrolled there.
- Q Who is the father of these three minor children? A James Willison.
- Q Is he now living? A No.
- Q How long ago did he die? A He died in January 1895.
- Q During his life time was he recognized by the tribal authorities of the Creek Nation as a citizen of the Creek Nation? A He was.
- Q Was he enrolled by the Creek tribal authorities as a citizen of the Creek Nation? A Yes sir.
- Q Does his name appear upon the tribal rolls of the Creek Nation? A Yes sir.

The authenticated tribal rolls of the Creek Nation, Coweta Town, for the year 1890, examined and the name of James D. Willison, found on page 50.

- Q Was your husband, James D. Willison, ever recognized by the Cherokee tribal authorities as a citizen of the Cherokee Nation? A No sir.
- Q Does his name appear upon any of the authenticated tribal rolls of the Cherokee Nation? A No.
- Q Did he ever participate in any of the payments made by the Cherokee Nation? A No.
- Q He was always a recognized citizen of the Creek Nation, was he? A Yes sir.
- Q What degree of Creek Indian blood do you claim for your husband, James D. Willison? A I suppose he was quarter Indian.
- Q Quarter? A I think so.
- Q That would make the three minor children for whom you apply for citizenship in the Creek Nation, 1/8 Creek blood? A Yes sir.
- Q You apply for the enrollment of these three minor children as citizens of the Creek Nation, and not for the enrollment of yourself as a citizen thereof? A I apply for the children for Creek enrollment and not for myself.
- Q Are you advised that the act of Congress, approved June 28, 1898, commonly known as the Curtis Bill, contained the following provision: "The several tribes may by agreement determine the right of persons, who for any reason, may claim citizenship in two or more tribes, and to allotment of lands and distribution of moneys belonging to each tribe; but, if no such agreement be made then such claimant shall be entitled to said right in one tribe only, and may elect in which tribe he will take such rights?" A Yes sir.
- Q Have you and your three minor children for whom you make application for enrollment as citizens of the Creek Nation at this time, resided continuously in the Creek Nation for the past three years? A Yes sir.
- Q Who was the father of your husband, James D. Willison? A His father was named James D. Willison.
- Q Is he now living? A No.
- Q During his life time was he a citizen of the Creek Nation? A No, he lived in Texas, I think.

- Q He was a white man, was he not? A Yes sir.  
Q Who was the mother of your husband? A Mrs. Jas. D. Willison.  
Q Is she living? A No sir.  
Q During her life time was she a recognized citizen of the Creek Nation? A She was.  
Q Did she have any other Indian blood except that of the Creek blood? A She was part Cherokee.  
Q Did she get her Cherokee blood through her father's or her mother's side? A Through her mother, I think.  
Q From her mother? A I think so.  
Q Her father, then, was a Creek by blood? A Yes sir.

You will be furnished at a later date with a copy of the decision of the Commission with reference to y the application made by you at this time, for the enrollment of your three minor children, ~~Howard~~ D., James M. and Helen Willison, as citizens by blood of the Creek Nation, which will be mailed to you at your proper post office address, Gibson Station, Indian Territory.

The Commission will transmit such memoranda of this application as has been taken at this time, together with a copy of its decision in regard to your application for the enrollment of your minor children, to the Honorable Secretary of the Interior, when the final rolls of the citizens of the Creek Nation are sent to him for his consideration and approval.

Kate De Bord, being first duly affirmed, states: that as stenographer to the Commission to the Five Civilized Tribes, she reported the above case, and that the foregoing is a full, true and correct transcript of her stenographic notes, taken in said case.

*Kate De Bord*

Subscribed and affirmed to before me this 14 day of August, 1900.



Acting Chairman.

Department of the Interior,  
Commission to the Five Civilized Tribes,  
\*\*\*\*\*

In the matter of the application of Mary J. Willison for the enrollment of her three minor children Howard D., James M., and Helen Willison as citizens of the Creek Nation.

STATEMENTS OF FACTS.

It appears from the evidence in the matter of the application of Mary J. Willison for the enrollment of her three minor children, Howard D., James M., and Helen Willison, that the names of Howard and James Willison are on the authenticated tribal roll of the Creek Nation of 1890; it further appears that the names of Howard Willison, James and Helen, are on the authenticated tribal roll of the Creek Nation of 1895; it further appears that they are recognized citizens of the Creek Nation and duly and lawfully enrolled as such; it further appears that Mary J. Willison, the mother of Howard D., James M., and Helen Willison is a citizen of the Cherokee Nation; it further appears that the father of said minor children, James Willison, now deceased, during his life time was a recognized citizen of the Creek Nation and that his name is on the authenticated tribal roll of the Creek Nation of 1890; it further appears that the said Howard D., James M., and Helen Willison have resided in the Creek Nation all their lives.

Paragraph eight -8- of Section twenty-one -21- of the Act of Congress of June 28th, 1898, provides in part as follows, to-wit:

"That the several tribes may, by agreement, determine the right of persons who for any reason may claim citizenship in two or more tribes, and to allotment of lands and distribution of moneys belonging to each tribe; but if no such agreement be made, then such claimant shall be entitled to such rights in one tribe only, and may elect in which he will take such right;"

It further appears that that portion of said paragraph -8- of section -21- of the Act of Congress of June, 28th, 1898, as above quoted was duly read to said Mary J. Willison, and that she understands the provisions thereof.

JUDGMENT.

It is, therefore, the Judgment of the Commission that the said Howard D., James M., and Helen Willison are citizens by adoption of the Creek Nation; and that the said Howard D., James M., and Helen Willison, having been duly identified as the same persons whose names appear on the authenticated tribal rolls of the Creek Nation of 1890 and 1895 as aforesaid, should be, under the provisions of said Act of Congress above quoted, duly listed for enrollment as citizens of said Nation and it is so ordered.

By the Commission to the Five Civilized Tribes.

Dated at Muskogee, Ind. Ter.,

this 11 day of Sept 1900.

  
Arthur H. Harmon.

Commissioner.

.....  
  
J. H. Harrison  
Commissioner.

(COPY)

Refer in reply to the following:

Land.  
4005-1902.

Department of the Interior,  
Office of Indian Affairs,  
Washington, January 31, 1902.

The Honorable,

The Secretary of the Interior.

Sir:

There is inclosed herewith a report dated January 17, 1902, from T. B. Needles, Esq., Commissioner in charge of the work of the Dawes Commission, transmitting for the Department's consideration the record in the matter of the application of Mary J. Willison for the enrollment of her three minor children Howard D., James M. and Helen Willison, as citizens of the Creek Nation.

Apparently subsequent to August 6, 1900, the date upon which the testimony was taken, the Commission rendered the following judgment in the case, to wit:

"It is therefore the judgment of the Commission that the  
"said Howard D., James M., and Helen Willison are citizens by  
"adoption of the Creek Nation; and that the said Howard D.,  
" James M. and Helen Willison, having been duly identified as the  
"same persons whose names appear on the authenticated tribal  
"rolls of the Creek Nation, of 1890 and 1895, as aforesaid,  
"should be, under the provisions of the Act of Congress above  
"quoted (June 28, 1898), duly listed for enrollment as citizens  
"of said Nation and it is so ordered."

From the record in this case it seems that the father of this applicant, James Willison, was during his lifetime a recognized citizen of the Creek Nation and that his name appears on the authenticated tribal roll of 1890 and that the mother of the applicants is a recognized citizen of the Cherokee Nation.

Under the provisions of the Curtis Act these applicants have the privilege of electing in which of the two nations named they will take their rights. As they have elected to take their rights in the Creek Nation the office believes the decision of the Commission is correct and recommends that it be affirmed.

Very respectfully,

Your obedient servant,

A. C. Tonner,

Acting Commissioner.

GAW  
D

3 inclosures.

D.C.No. 2104-1902.

(COPY)

8504.

T.P.  
F.

Department of the Interior.

Washington.

I.T.D. 658-1902.

February 6, 1902.

L. R. S.

Commission to the Five Civilized Tribes,

Muskogee, I. T.

Gentlemen:

The Department has considered the record in connection with the application of Mary J. Willison for the enrollment of her three minor children, Howard D., James M. and Helen Willison, as citizens of the Creek Nation, transmitted with the Commissioner of Indian Affairs' letter of January 31, 1902, in which he recommends that your decision in favor of the claimants be affirmed.

It appears that the names of Howard and James Willison are on the authenticated tribal rolls of the Creek Nation of 1890, and that the names of all three children are on the tribal roll of 1895; that the mother of these children is a citizen of the Cherokee Nation, and that their father was during his lifetime a recognized citizen of the Creek Nation; and that the children have resided in the Creek Nation all their lives.

Referring to paragraph 8 of section 21 of the act of June 28, 1898 (30 Stat., 495), both you and the Commissioner of Indian Affairs hold that these applicants have the right to elect in which of the two nations, Creek or Cherokee, they will be enrolled, and having elected to take their rights in the

-2-

Creek Nation they should be enrolled therein.

The Department concurs in your views and your decision is affirmed. A copy of the Commissioner's letter is inclosed herewith.

Respectfully,

Thos. Ryan  
Acting Secretary.  
EMD.

1 inclosure.



C O P Y .

Muskogee, Indian Territory, January 17, 1902.

The Honorable,

The Secretary of the Interior.

Sir:

There is herewith transmitted the record of proceedings in the matter of the application of Mary J. Willison for the enrollment of her three minor children Howard D., James M., and Helen Willison as citizens of the Creek Nation, including the decision of the Commission dated the 11th day of September, 1900, enrolling said Howard D., James M., and Helen Willison as citizens of said nation.

Respectfully,

T. B. Needles.

Commissioner in Charge.

Through the Commissioner  
of Indian Affairs.

1 enclosure.  
Creek-67

COMMISSIONERS  
HENRY L. DAWES,  
TAMM BIXBY,  
THOMAS B. NEEDLES,  
C. R. BRECKINRIDGE.

ALLISON L. AYLESWORTH,  
SECRETARY.

DEPARTMENT OF THE INTERIOR,  
COMMISSION TO THE FIVE CIVILIZED TRIBES.

C O P Y .

ADDRESS ONLY THE  
COMMISSION TO THE FIVE CIVILIZED TRIBES

Muskogee, Indian Territory, September 12th, 1900

Mary J. Willison,

Gibson Station, Indian Territory.

Dear Madam:

You will find herewith the decision of the Commission in the matter of the application made by you for the enrollment of your three minor children, Howard D., James M. and Helen Willison, who have been found by the Commission to be entitled to be listed for enrollment as citizens by adoption of the Creek Nation.

Yours truly,

Tamm Bixby,

Acting Chairman.

Enc. 43.

C O P Y .

Tuskogee, Indian Territory, January 17, 1902.

A. P. McKellop, Esq.,

H. E. Reed, Esq.,

Attorneys for the Creek Nation,

Tuskogee, Indian Territory.

Gentlemen:

There is herewith enclosed a copy of the decision of the Commission to the Five Civilized Tribes in the matter of the application of Mary J. Willison for the enrollment of her three minor children as citizens of the Creek Nation.

The decision, with a copy of the proceedings had in the case, is this day transmitted to the Secretary of the Interior for his review and decision. The final decision of the Secretary will be made known to you as soon as the Commission is informed of the same.

Yours truly,

T. B. Needles.

Commissioner in Charge.

1 enclosure.  
McK. & R. (17)  
Registered.

COMMISSIONERS.  
HENRY L. DAVES,  
TAMM DIXIE,  
THOMAS B. NEEDLES,  
C. R. BRECKINRIDGE.

ALLISON L. AYLESWORTH  
SECRETARY.

DEPARTMENT OF THE INTERIOR,  
COMMISSION TO THE FIVE CIVILIZED TRIBES.

(COPY)

ADDRESS ONLY THE  
COMMISSION TO THE FIVE CIVILIZED TRIBES

Muskogee, Indian Territory, February 15, 1902.

Mary J. Willison,

Gibson Station, Indian Territory.

Dear Madam:

You are hereby advised that the Secretary of the Interior, under date of February 8, 1902, affirmed the decision of the Commission, dated September 11, 1900, enrolling your minor children, Howard D., James M. and Helen Willison, as citizens of the Creek Nation.

Yours truly,

T.B.Needles.

Commissioner in Charge.

COMMISSIONERS:  
HENRY L. DAWES,  
TAMM BIXBY,  
THOMAS B. NEEDLES,  
C. R. BRECKINRIDGE.

ALLISON L. AYLESWORTH,  
SECRETARY.

DEPARTMENT OF THE INTERIOR,  
COMMISSION TO THE FIVE CIVILIZED TRIBES.

(COPY)

ADDRESS ONLY THE  
COMMISSION TO THE FIVE CIVILIZED TRIBES

Muskogee, Indian Territory, February 15, 1902.

A. P. McKellop, Esq.,

H. O. Reed, Esq.,

Attorneys for Creek Nation,

Muskogee, Indian Territory.

Gentlemen:

You are hereby advised that the Secretary of the Interior, under date of February 6, 1902, affirmed the decision of the Commission, dated September 11, 1900, enrolling Howard D., James M. and Helen Willison, the minor children of Mary J. Willison, as citizens of the Creek Nation.

Yours truly,

T.B.Needles.

Commissioner in Charge.

COMMISSIONERS

HENRY L. DAWES,  
TAMM BIXBY,  
THOMAS B. NEEDLES,  
C. R. BRECKINRIDGE.

ALLISON L. AYLESWORTH,  
SECRETARY

DEPARTMENT OF THE INTERIOR,

COMMISSION TO THE FIVE CIVILIZED TRIBES.

ADDRESS ONLY THE  
COMMISSION TO THE FIVE CIVILIZED TRIBES

Muskogee, Indian Territory, FEB 1 1902, 1902.

Received on this date from the Commission to the Five  
Civilized Tribes a copy of the record of proceedings in the matter  
of the application of Mary J. Willison for the enrollment of her  
children as citizens of the Creek Nation.

A. P. McKeen

Attorney for Creek Nation.

Creek No. 67.

CR EW 68

CR EW 68



DEPARTMENT OF THE INTERIOR.  
COMMISSION TO THE FIVE CIVILIZED TRIBES.  
MUSKOGEE, I. T. AUGUST 8, 1900.

\*\*\*\*\*

In the matter of the application of Irene Willison for enrollment as a citizen by blood of the Creek Nation. Irene Willison, being first duly sworn, testified as follows:

By the Commission.

- Q What is your name? A Irene Willison .  
Q What is your age? A 19 last June.  
Q What is your post office address? A Gibson Station, Indian Territory.  
Q What is the name of your father? A James D. Willison.  
Q Is he living? A No sir.  
Q During his life time was he recognized by the tribal authorities of the Creek Nation as a citizen of the Creek Nation?  
A Yes sir.  
Q Was he ever enrolled by the Creek tribal authorities as a citizen of the Creek Nation? A Yes sir.  
Q Does his name appear upon the tribal rolls of the Creek Nation?  
A Yes sir.

The authenticated tribal rolls of the Creek Nation, Coweta Town, for the year 1890, examined, and the name of James D. Williston found thereon, on page 50.

- Q What is the name of your mother? A Mary J. Willison.  
Q Is she now living? A Yes sir.  
Q She is a recognized citizen of the Cherokee Nation is she not? A Yes sir, I think so.  
Q She makes no claim of citizenship in the Creek Nation?  
A No sir.  
Q Have you ever been recognized by the tribal authorities of the Creek Nation as a citizen of the Creek Nation? A Yes sir.  
Q Have you ever been enrolled by the Creek tribal authorities as a citizen of the Creek Nation? A Yes sir.  
Q Does your name appear upon the tribal rolls of the Creek Nation? A Yes sir.

The authenticated, tribal rolls of the Creek Nation, Cowata Town, for the year 1890 examined, and the name of Irene Williston found thereon, on page 50. Also the authenticated tribal roll of the Creek Nation for the year 1895, Coweta Town, examined and the name of Lena (Irene), found thereon at No 316.

- Q Are you married? A No sir.  
Q Where do you reside? A At Gibson Station, Indian Territory.  
Q How long have you resided there? A All my life.  
Q Do you live there with your mother, Mary J. Willison?  
A Yes sir.  
Q Have you been outside of the Territory during the last three years? A I have been out, but not to live out.  
Q During that time for how long a period have you been outside of the Territory? A Just two weeks.  
Q You simply went outside of the Territory to visit friends?  
A Travelling.  
Q You were simply travelling outside of the Territory? A Yes sir.  
Q Have you ever been recognized by the tribal authorities of the Cherokee Nation as a citizen of the Cherokee Nation?  
A I do not know.

- Q Did you ever participate in any of the payments of the Cherokee Nation? A My mother drew the script money for me.
- Q Are you advised that the act of Congress, approved June 28, 1898, commonly known as the Curtis Bill, contains the following provisions: "The several tribes may, by agreement, determine the right of persons, who for any reason, may claim citizenship in two or more tribes and to allotment of lands and distribution of moneys belonging to the said tribe, but if no such agreement be made, then such claimant shall be entitled to such right in one tribe only, and may elect in which tribe he will take such right"? A Yes sir.
- Q You claim citizenship in the Creek Nation through your father, who was a Creek by blood, was he not? A Yes sir.
- Q Do you know what degree of Creek Indian blood ~~at~~ he had? A About one quarter.
- Q That would make you about 1/8 Creek Indian blood would it not? A Yes sir.

You will be furnished at a later date with a copy of the decision of the Commission with reference to the application made by you at this time for the enrollment of yourself as a citizen by blood of the Creek Nation, which will be mailed to you at your proper post office address, Gibson Station, Indian Territory.

The Commission will transmit such memorandum of this claim as has been taken at this time, together with a copy of its decision in regard to your application for the enrollment of yourself as a citizen of the Creek Nation, to the Honorable Secretary of the Interior, when the final rolls of the citizens of the Creek Nation are sent to him for his consideration and approval.

Kate De Bord, being first duly affirmed, states that as stenographer to the Commission to the Five Civilized Tribes, she reported the above case, and that the foregoing is a full, true and correct transcript of her stenographic notes, taken in said case.

*Kate DeBord*

Subscribed and affirmed to before me and in my presence this 14 day of Aug 1900.



Acting Chairman.

Department of the Interior,  
Commission to the Five Civilized Tribes.  
\*\*\*\*\*

In the matter of the application of Irene Willison for enrollment as a citizen of the Creek Nation.

STATEMENT OF FACTS.

It appears from the evidence in the matter of the application of Irene Willison for enrollment as a citizen of the Creek Nation that her name is on the authenticated tribal rolls of the Creek Nation of 1890 and 1895 and that she is a recognized citizen of the Creek Nation and duly and lawfully enrolled as such; it further appears that the father of said child, James Willison, now deceased, was during his life time a duly recognized citizen of the Creek Nation and his name is on the authenticated tribal roll of said Creek Nation of 1890; it further appears that the said Irene Willison is a citizen of the Cherokee Nation through her mother Mary J. Willison who is a recognized citizen of said Cherokee Nation; it further appears that the said Irene Willison has resided in the Creek Nation all her life.

Paragraph eight -8- of section twenty-one -21- of the Act of Congress of June 28th, 1898, provides in part as follows, to-wit:

"That the several tribes may, by agreement, determine the right of persons who for any reason may claim citizenship in two or more tribes, and to allotment of lands and distribution of moneys belonging to such tribe; but if no such agreement be made, then such claimant shall be entitled to such rights in one tribe only, and may elect in which he will take such right;"

It further appears from the evidence that that portion of said paragraph -8- of section -21-, of the Act of Congress of June 28th, 1898 as above quoted, was duly read to the said Irene Willison and that she understood the provisions thereof.

JUDGMENT.

It is, therefore, the judgment of the Commission that the said Irene Willison is a citizen of the Creek Nation by adoption; and that the said Irene Willison, having been duly identified as the same person whose name appears on the authenticated tribal rolls of the Creek Nation of 1890 and 1895 as aforesaid, should be, under the provision of said Act of Congress above quoted, duly listed for enrollment as a citizen of said Nation, and it is so ordered.

By the Commission to the Five Civilized Tribes.

  
Acting Chairman.

Dated at Muskogee, Ind. Ter.

this 11th day of Sept 1900.

  
Commissioner.

\*\*\*\*\*

(COPY)

Muskogee, Indian Territory, January 17, 1902.

The Honorable,

The Secretary of the Interior.

Sir:

There is herewith transmitted the record of proceedings in the matter of the application of Irene Willisen for the enrollment of herself as a citizen of the Creek Nation, including the decision of the Commission, dated September 11, 1900, enrolling said applicant as a citizen of said nation.

Respectfully,

T.B.Needles.

Commissioner in charge.

1 enclosure  
Creek 68.

Through the Commissioner  
of Indian Affairs.

COMMISSIONERS  
HENRY L. DAWES,  
TAMS BIXBY,  
THOMAS B. NEEDLES,  
C. R. BRECKINRIDGE.

ALLISON L. AYLESWORTH,  
SECRETARY.

DEPARTMENT OF THE INTERIOR,  
COMMISSION TO THE FIVE CIVILIZED TRIBES.

(COPY)

ADDRESS ONLY THE  
COMMISSION TO THE FIVE CIVILIZED TRIBES

Muskogee, Indian Territory, September 12th, 1900.

Irene Willison,  
Gibson Station,  
Indian Territory.

Dear Madam:

You will find herewith the decision of the Commission in the matter of the application made by you for enrollment as a citizen of the Creek Nation. You will note that by this decision you have been found by the Commission to be entitled to be listed for enrollment as a citizen by adoption of the Creek Nation.

Yours truly,

Tams Bixby,

Acting Chairman.

Enc.-45.

(COPY)

Muskogee, Indian Territory, January 17, 1902.

A. P. McKellop, Esq.,

H. G. Reed, Esq.,

Attorneys for Creek Nation,

Muskogee, Indian Territory.

Gentlemen:

There is herewith enclosed a copy of the decision of the Commission to the Five Civilized Tribes in the matter of the application for the enrollment of Irene Willison as a citizen of the Creek Nation.

The decision, with a copy of the proceedings had in the case, is this day transmitted to the Secretary of the Interior for his review and decision. The final decision of the Secretary will be made known to you as soon as the Commission is informed of the same.

Yours truly,

T.B.Needles.

Commissioner in Charge.

1 enclosure  
MAR-66,  
Registered.

(COPY)

Refer in reply to the following:

Land.  
4005-1902.

Department of the Interior,  
Office of Indian Affairs,  
Washington, January 30, 1902.

The Honorable

The Secretary of the Interior.

Sir:

There is inclosed herewith a report dated January 17, 1902, from T. B. Needles, Esq., Commissioner in charge of the work of the Dawes Commission, transmitting for the Department's consideration the record in the matter of the application of Irene Willison for the enrollment of herself as a citizen of the Creek Nation.

The Commission rendered judgment in the case on September 13, 1900, as follows:

"It is therefore the judgment of the Commission that the  
"said Irene Willison is a citizen of the Creek Nation by adoption;  
"and that the said Irene Willison, having been duly identified  
"as the same person whose name appears on the authenticated tribal  
"rolls of the Creek Nation of 1890 and 1895 as aforesaid, should  
"be, under the provisions of the said Act of Congress above quoted  
"(June 28, 1898), duly listed for enrollment as a citizen of said  
"Nation, and it is so ordered."

From the record in this case it appears that the father of this applicant, James Willison, now deceased, was during his lifetime a recognized citizen of the Creek Nation; that his name appears on the authenticated tribal roll of the Creek Nation of 1890, and that the mother of the applicant, Mary J. Willison, is a recognized citizen of the Cherokee Nation.



It also appears from the record that the applicants name is found on the authenticated tribal rolls of the Creek Nation of 1890 and 1895.

Section 21 of the Curtis Act declares that where a claimant has rights in two tribes, he may elect in which he will take such rights. From the evidence in this case it would seem that the applicant is of Cherokee and Creek blood and would therefore be entitled to rights in either Nation. She having elected to take her rights in the Creek Nation, the office believes that the decision of the Commission is correct and that it should be approved.

Very respectfully,

Your obedient servant,

W. A. Jones,

Commissioner.

GAW  
D

3 inclosures.

(COPY)

D.O.No. 1853-1903.

7758.

P.

L.R.S.

Department of the Interior.  
Washington.

I.T.D.

648-1903.

February 1, 1903.

Commission to the Five Civilized Tribes,  
Muskogee, I. T.

Gentlemen:

January 30, 1903, the Commissioner of Indian Affairs transmitted the papers in the matter of the application of Irene Willison for enrollment as a citizen of the Creek Nation, and recommended that your decision be approved.

It appears from the evidence that the applicant is duly enrolled as a Creek citizen upon the 1890 and 1895 rolls, and in your decision of September 11, 1900, you held that she should be enrolled as a Creek citizen in accordance with section 21 of the act of June 28, 1898 (30 Stat., 495).

The Department affirms your decision, and you will act accordingly. A copy of the Commissioner's letter is inclosed.

Respectfully,

Thos. Ryan  
Acting Secretary.  
RMD.

1 inclosure.

COMMISSIONERS:  
HENRY L. DAWES,  
TAMM STUBB,  
THOMAS B. NEEDLES,  
C. R. BRUSHNIDGE.

ALLISON L. AVLEWORTH,  
SECRETARY.

DEPARTMENT OF THE INTERIOR,  
COMMISSION TO THE FIVE CIVILIZED TRIBES.

(COPY)

ADDRESS ONLY THE  
COMMISSION TO THE FIVE CIVILIZED TRIBES

Muskogee, Indian Territory, February 11, 1902.

Irene Willison,

Gibson Station, Indian Territory.

Dear Madam:

You are hereby advised that the Secretary of the Interior, under date of February 1, 1902, affirmed the decision of the Commission, dated September 11, 1900, enrolling you as a citizen of the Creek Nation.

Yours truly,

T.B.Needles.

Commissioner in charge.

COMMISSIONERS:  
HENRY L. DAWES,  
TAMM BIRDY,  
THOMAS B. NEEDLES,  
C. R. BRIDGEMAN.

ALLISON L. AYLESWORTH,  
SECRETARY.

DEPARTMENT OF THE INTERIOR.  
COMMISSION TO THE FIVE CIVILIZED TRIBES.

ADDRESS ONLY THE  
COMMISSION TO THE FIVE CIVILIZED TRIBES

(COPY)

Muskogee, Indian Territory, February 11, 1902.

A. P. McKellop, Esq.,

H. C. Reed, Esq.,

Attorneys for Creek Nation,  
Muskogee, Indian Territory.

Gentlemen:

You are hereby advised that the Secretary of the Interior, under date of February 1, 1902, affirmed the decision of the Commission, dated September 11, 1900, enrolling Irene Willison as a citizen of the Creek Nation.

Yours truly,

T. B. Needles.  
Commissioner in charge.

COMMISSIONERS.

HENRY L. DAWES,  
TAMM BIXBY,  
THOMAS B. NEEDLES,  
C. R. BRECKINRIDGE

ALLISON L. AYLESWORTH,  
SECRETARY

DEPARTMENT OF THE INTERIOR,

COMMISSION TO THE FIVE CIVILIZED TRIBES.

ADVIS. BY ONLY THE  
COMMISSION TO THE FIVE CIVILIZED TRIBES.

Muskogee, Indian Territory,       , 1902.

Received on this date from the Commission to the Five  
Civilized Tribes a copy of the record of proceedings in the matter  
of the application of Irene Willison for enrollment as a citizen  
of the Creek Nation.

A. P. W. Keecop

Attorney for Creek Nation.

Creek No. 68.

CR EN 69

CR EN 69

Department of the Interior,  
Commission to the Five Civilized Tribes,  
Muskegeco, I. T. September, 18th 1900.

In the matter of the application of Emma Nichols for enrollment as a citizen of the Creek Nation.

Emma Nichols having been duly sworn before Acting Chairman Bixby testified as follows-

By the Commission-

- Q. What is your name? A. Emma Nichols.  
Q. You are applying for citizenship in the Creek Nation? A. Yes sir.  
Q. What is your age? A. 21 years old the 18th day of this past February.  
Q. What is your postoffice address? A. Creek Postoffice, I. T. Some times I get my mail at Arlington, Oklahoma; we live right close to the line.  
Q. Do you live in the Creek Nation? A. Yes sir.  
Q. How long have you lived in the Creek Nation? A. To the best of my knowledge, nine years, I was very small when I first came here.  
Q. Have you ever been recognized by the tribal authorities of the Creek Nation as a citizen of the Creek Nation? A. I cannot positively swear that I have, but have always been told that I was.  
Q. Does your name appear upon any of the rolls of the Creek Nation? A. I never seen my name on the rolls, but have been told that my name was there and suppose I am on the rolls.  
Q. What town do you belong to? A. Broken Arrow town.  
Q. Was your name ever Burnes? A. It was before I was married.  
Q. That was your mother's name? A. That was my father's name.  
Q. Well it was your mother's name also, was it not? A. Yes sir.

Examination of the Omitted roll of 1891 Broken Arrow town of the Creek Nation, shows at No. 420 the name of Emma Burnes.

- Q. Have you any brothers and sisters? A. Two brothers and one 1/2 sister.  
Q. Have you a brother named Alvin? A. Yes sir and one named Isaac Burnes.  
Q. Your name does not appear on the roll of 1895 of the Creek Nation does it? A. Cannot tell to save my life.  
Q. Did you draw \$14.40 from the Creek Nation? A. Yes sir.  
Q. Did you draw it yourself? A. No sir, my step father drew it.  
Q. Who is your stepfather? A. E. T. Berryhill.  
Q. Did you get the money? A. I did not get it all, it went to the family.  
Q. You only know what your stepfather told you that is all? A. Yes sir he brought the money home and said it was for us.  
Q. You did not appear before the Colbert Commission? A. No sir.  
Q. Did you make application to the Dawes Commission in 1896 for citizenship in the Creek Nation? A. No sir.  
Q. Does your name appear on the Creek roll of Broken Arrow town for the year 1890? A. I cannot tell you if it does or not, I never seen the rolls.

By Mr. Hill counsel for applicant:

- Q. Mrs. Berryhill is your mother? A. Yes sir.  
Q. You were admitted to citizenship in the Creek Nation in the same case with her? A. They always told me that I was down on it, I was very small, just a child.

( Mr. Hill to Mrs. Berryhill.)

- Q. Mrs. Nichols is your daughter is she not? A. Yes sir.

We desire to introduce in evidence in this case the record made in the Evaline Berryhill case.



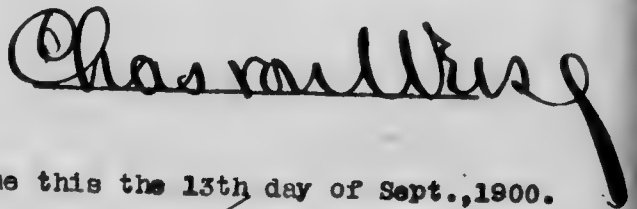
Broken Arrow Pay Roll for 1898 examined and the name of Emma Burnes not found thereon.

By Mr. Hill:

We would like for the record to show that the name of Emma Burnes does not appear on the Creek Doubtful Roll.

Examination of the roll of doubtful citizens of Broken Arrow town and the name of Emma Burnes not found thereon.

Chas. von Weise, having been first duly sworn, upon his oath states that as stenographer to the Commission to the Five Civilized Tribes he reported in full all proceedings had in the above entitled case on the 12th day of September, 1900, and that the above and foregoing is a full, true and correct transcript of his stenographic notes, of said proceedings on said date.



Subscribed and sworn to before me this the 13th day of Sept., 1900.

  
Acting Chairman.

DEPARTMENT OF THE INTERIOR.  
COMMISSION TO THE FIVE CIVILIZED TRIBES.  
Muskegee, Indian Territory, October 23, 1900.

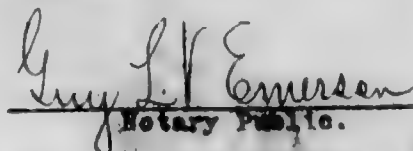
In the matter of the application of Emma Nichols, formerly Emma Burns, for enrollment as a citizen of the Creek Nation, Zachariah T. Berryhill, being first duly sworn testifies as follows: Examination by the Commission.

- Q What is your name? Zachariah T. Berryhill.  
Q What is your age? A Fifty-two years.  
Q What is your post office address? A Seneca.  
Q Are you a citizen of the Creek Nation? A Yes sir.  
Q You live here in the Creek Nation? A Yes sir.  
By Jesse Hill, counsel for applicant:  
Q Do you know Emma Burns? A Yes sir.  
Q What relation is she to you? A Don't know exactly what; could not tell you sure; cousin I reckon but I don't know.  
Q Is she the daughter of Eviline Berryhill? A Yes sir.  
Q What is her father's name? A Isaac Burns.  
Q She is your step daughter now is she? A Yes sir.  
Q Is she a member of the Creek tribe of Indians? A Yes sir.  
Q Did you ever draw money for her? A Yes sir.  
Q When? I drew that in 1896 and I drew for her in 1890.  
Q In 1896 when you drew for her did you get the money or a warrant.  
A I got part money and part warrant.  
Q (Showing paper to witness) Is this the warrant you received? A Yes sir.  
Q That mentions five persons? A Yes sir.  
Q What five persons were they? A Well I have forgot, but Ida Belle Berryhill and Billie Berryhill Emma Nichols, Alvin Burns and Isaac Burns.  
Q Where does Mrs. Nichols live? A Upper end of the Creek Nation just across from Oklahoma, near the line.  
The Treasurer's order, No. 36, signed by E. B. Childers, Treasurer, to Z. T. Berryhill, for \$72, for five persons which was introduced in evidence and marked exhibit "A" in the matter of the application of Eviline Berryhill, et al, is introduced as evidence in this application and is hereby referred to as a part hereof.  
By the Commission:  
Q Did you get the money on this order Mr. Berryhill? A Why I get goods, I traded it out with Mr. Burdett; I got payment for it.  
Q You identify this order as covering the payment to the five persons you have heretofore mentioned in this application, as their per capita, due them from the Creek Nation in 1895? A Yes sir.

Archibald McElrath, being first duly sworn, upon his oath states that as stenographer to the Commission to the Five Civilized Tribes, he reported in full all proceedings had in the above entitled cause on the 23rd day of October, 1900, and that the above and foregoing is a full, true and complete transcript of his stenographic notes of said proceedings had on said date.



Subscribed and sworn to before me on this 24th day of October, 1900

  
Notary Public.

DEPARTMENT OF THE INTERIOR  
COMMISSION TO THE FIVE CIVILIZED TRIBES.  
MUSKOGEE, IND. TER. FEBRUARY 20th, 1901.

In the matter of the application of Emma Nichols for enrollment as a citizen of the Creek Nation.

AMOS McINTOSH, being duly sworn testified as follows:

(By Mr. Hall).

- Q What is your name? A Amos McIntosh.
- Q Where do you live? A At Senora, Indian Territory.
- Q Are you a member of the Creek tribe of Indians? A Yes sir.
- Q What official positions have you held among the Creek tribe of Indians? A I have been a private light-horseman, Prosecuting Attorney, District Judge of the Creek Nation, Member of the National Council of the Creek Nation, Speaker of the Lower House.
- Q What District were you Judge? A Bufaula.
- Q Were you the last Judge of that District Court? A Yes sir.
- Q When you were the last Judge of that District Court were you the custodian of the records? A Yes sir.
- Q Were any of the records lost? A There was a record containing estate of deceased persons lost.
- Q Did you ever examine the records of the Bufaula District Court with reference to any citizenship cases that have been tried by you? A Yes sir, I examined them. No records of any citizenship in that record were lost.
- Q Did you ever examine those records with reference to any special case? A John Self wanted to examine the records and I looked through all the records, criminal records, criminal dockets, that the names of them are mixed up. I examined the records and went through all the other papers in the office but could not find anything with reference to citizenship.
- Q If there was any record of any case by that Court it is lost, is it not? A If there were any records, it is lost, but I have never seen it. You see that authority given by the legislature was done away with years ago. Well, it has been I might say eighteen years or more that this authority was taken away from the judges to pass on these citizenship cases and since then, there have been so many changes in the judges I never could find any traces of any such records. I was a District Judge but a year when the courts were abolished. Self called for the docket and I went through everything in the office, but never could find anything in regard to citizenship.

Lona Cummings having been first duly sworn, upon her oath, states that as stenographer to the Commission to the Five Civilized Tribes, she reported in full all proceedings had in the above entitled cause on the 20th day of February, A.D., 1901, and that the above and foregoing is a full, true and correct transcript of her stenographic notes, of said proceedings on said date.

*Lona Cummings*

Subscribed and sworn to before me at Muskogee, Indian Territory, this \_\_\_\_ day of February, A.D., 1901.

  
Acting Chairman.

Department of the Interior  
Commission to the Five Civilized Tribes,  
Okmulgee, Indian Territory, May 8, 1901.

In the matter of the application of Emma Nichols for enrollment as a citizen of the Creek Nation. Zachariah T. Berryhill being first duly sworn testified as follows:

Examination by the Commission.

- Q What is your name? A Zachariah T. Berryhill.  
Q How old are you Mr. Berryhill? A 53.  
Q What is your post-office address? A Seneca.  
Q Are you acquainted with Emma Nichols? A Yes sir.  
Q Who is Emma Nichols' mother? A Eviline Berryhill.  
Q Is Eviline Berryhill your wife? A Yes sir.  
Q Is Emma Nichols your daughter? A No sir, step daughter.  
Q Is Emma Nichols single or married? A She's married.  
Q What was her name before she married? A Burns.  
Q Has she any children? A She's got two new born.  
Q What are the names of these children? A Willis Brooks is the oldest one I think. I don't know what the other ones name is.  
Q Did you ever draw any money for Emma Nichols as a citizen of the Creek Nation? A Yes sir.  
Q When did you draw money for her? A I am not ceryain. But I think it is 1891 just a little while before Christmas that they paid over the \$14. sum.  
Q Did you draw the \$29.00 payment for Emma Nichols? A Yes sir.  
Q And the \$14.40 payment too? A Yes sir.  
Q Do you know whether or not Emma Nichols was enrolled with your family at the time you drew the \$14.40 payment for her? A I think she were.  
Q Was Emma Nichols married or single at the time you drew the \$14.40 for her? A She was single.  
Q Was she living with your family at that time? A Yes sir.  
Q Who is Billy Berryhill? A My son.  
Q Who is Verdie? A Son.  
Q Who is Tissie? A Daughter.  
Q Addie? A Eddie.  
Q Addie or Eddie? A Eddie.

The 1895 roll of omitted and new born citizens of the Creek Nation examined and the name of the applicant found thereon enrolled as Emma Berryhill with the family of Z. T. Berryhill on page marked 18 on the top and 15 on the bottom.

Myra Young being first duly sworn, upon her oath states that as stenographer to the Commission to the Five Civilized Tribes she reported in full all proceedings had in the above entitled cause on the 8th day of May, 1901, and that the above and foregoing is a full, true and correct transcript of her stenographic notes of said proceedings on said date.

Subscribed and sworn to before me at Okmulgee, Indian Territory, this 8th day of May, 1901.

*Myra Young*

*John G. Fisher*

Notary Public.

DEPARTMENT OF THE INTERIOR  
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application of Emma Nichols for enrollment as a citizen of the Creek Nation.

DECISION.

It appears from the record in this case that Emma Nichols appeared before the Commission on September 12, 1900, and made application for enrollment as a citizen of the Creek Nation; that further testimony was introduced on October 23, 1900, February 21, 1901, and May 8, 1901 and that proof of the birth of her son William Brooks Nichols on May 2, 1899 was filed with the Commission on April 5, 1901.

It also appears from the evidence that Emma Nichols was admitted to citizenship in the Creek Nation by the Eufaula District Court in the year 1883, at which time said District Court had jurisdiction over citizenship cases.

It further appears that the applicant participated in the 1890 Creek per capita payment, her name appearing upon the "Omitted List" of Creek citizens accepted and approved by Act of Council, December 9, 1891 and that her name is found upon the authenticated Creek roll dated December 4, 1895, known as the "1895 Omitted Pay Roll."

It is therefore the opinion of this Commission that the said Emma Nichols and her minor child, William Brooks Nichols should be enrolled as citizens of the Creek Nation in accordance with the provisions of the act of Congress approved June 28, 1898, (30 Stats. 495) and it is so ordered.

The Commission to the Five Civilized Tribes.

Dated at Okmulgee, Indian Territory,  
this the 21st day of May, 1901.

  
Acting Chairman.

  
Commissioner.

  
Commissioner.

COMMISSIONERS:  
HENRY L. DAVIS,  
TAMM BIRBY,  
THOMAS B. NEEDLES,  
C. R. BRIDGEMAN.

ALLISON L. AYLESWORTH,  
SECRETARY.

DEPARTMENT OF THE INTERIOR,  
COMMISSION TO THE FIVE CIVILIZED TRIBES.

ADDRESS ONLY THE  
COMMISSION TO THE FIVE CIVILIZED TRIBES.

Muskegee, Indian Territory, January 17, 1902.

Emma Nichols,

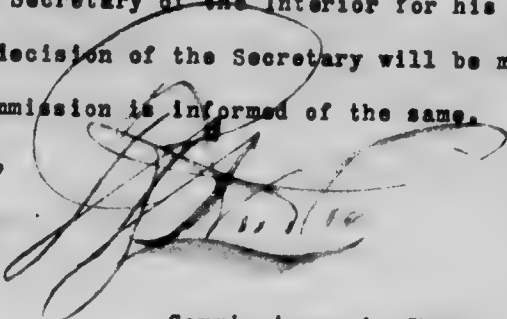
Creek, Indian Territory.

Dear Madam:

There is herewith enclosed a copy of the decision of the Commission to the Five Civilized Tribes in the matter of the application made by you for the enrollment of yourself and your minor son as citizens of the Creek Nation.

The decision, with a copy of the proceedings had in the case, is this day transmitted to the Secretary of the Interior for his review and decision. The final decision of the Secretary will be made known to you as soon as the Commission is informed of the same.

Yours truly,



Commissioner in Charge.

1 enclosure.  
E.N.  
Registered.

**C O P Y .**

**Muskogee, Indian Territory, January 17, 1908.**

**The Honorable,**

**The Secretary of the Interior,**

**Sir:**

There is herewith transmitted the record of proceedings in the matter of the application of Emma Nichols for the enrollment of herself and her minor son, William Brooks Nichols as citizens of the Creek Nation, including the decision of the Commission, enrolling said applicants as citizens of said nation.

**Respectfully,**

**T. B. Needles.**

**Commissioner in Charge.**

**Through the Commissioner**

**of Indian Affairs.**

**1 enclosure.  
Creek-69.**



C O P Y .

Waskagee, Indian Territory, January 17, 1902.

John Hill, Esq.,

Attorney for Emma Nichols,

Waskagee, Indian Territory.

Dear Sir:

There is herewith enclosed a copy of the decision of the Commission to the Five Civilized Tribes in the matter of the application made by Emma Nichols for the enrollment of herself and her minor son as citizens of the Creek Nation.

The decision, with a copy of the proceedings had in the case, is this day transmitted to the Secretary of the Interior for his review and decision. The final decision of the Secretary will be made known to you as soon as the Commission is informed of the same.

Yours truly,

T. B. Needles.

Commissioner in Charge.

1 enclosure.  
J.H.(S)  
Register.

C O P Y .

Muskogee, Indian Territory, January 17, 1902.

A. P. McKelley, Esq.,

H. C. Reed, Esq.,

Attorneys for the Muskogee Nation,

Muskogee, Indian Territory.

Gentlemen:

There is herewith enclosed a copy of the decision of the Commission to the Five Civilized Tribes in the matter of the application made by Emma Nichols for the enrollment of herself and her minor son as citizens of the Creek Nation.

The decision, with a copy of the proceedings had in the case, is this day transmitted to the Secretary of the Interior for his review and decision. The final decision of the Secretary will be made known to you as soon as the Commission is informed of the same.

Yours truly,

T. B. Needles.

Commissioner in Charge.

1 enclosure.  
M&K & R. (18)  
Registered.

(COPY)

Refer in reply to the following:

Land.  
4005-1902.

Department of the Interior,  
Office of Indian Affairs,  
Washington, January 29, 1902.

The Honorable

The Secretary of the Interior.

Sir:

There is inclosed herewith a report dated January 17, 1902, from T. B. Needles, Esq., Commissioner in charge of the work of the Dawes Commission, transmitting for the Department's consideration the record relative to the application of Emma Nichols for the enrollment of herself and minor child, William Brooks Nichols, as citizens of the Creek Nation.

May 21, 1901, the Commission rendered the following decision in this case :

"It appears from the record in this case that Emma Nichols appeared before the Commission on September 12, 1900, and made application for enrollment as a citizen of the Creek Nation; that further testimony was introduced on October 23, 1900, February 21, 1901, and May 8, 1901 and that proof of the birth of her son William Brooks Nichols on May 2, 1899 was filed with the Commission on April 5, 1901.

"It also appears from the evidence that Emma Nichols was admitted to citizenship in the Creek Nation by the Muskogee District Court in the year 1883, at which time she said District

"Court had jurisdiction over citizenship cases.

"It further appears that the applicant participated in the  
"1890 Creek per capita payment, her name appearing upon the  
"'Omitted List' of Creek citizens accepted and approved by Act  
"of Council, December 9, 1891 and that her name is found upon  
"the authenticated Creek roll dated December 4, 1895, known as  
"the '1895 Omitted Pay Roll.'

It is therefore the opinion of this Commission that the  
"said Emma Nichols and her minor child, William Brooks Nichols  
"should be enrolled as citizens of the Creek Nation in accord-  
"ance with the provisions of the act of Congress approved June  
"28, 1898, (30 Stats. 495) and it is so ordered."

The office has carefully examined the record in this  
case, concurs in the decision of the Commission therein, and  
recommends that same be approved.

Very respectfully,

Your obedient servant,

W.A. Jones,

Commissioner.

GAW  
D

3 inclosures.

(COPY)

D.C.No.2108-1902.

8506.

T.P.  
F.

Department of the Interior.

Washington.

I.T.D. 628-1902.  
L. R. S.

February 5, 1902.

Commission to the Five Civilized Tribes,  
Muskegee, I. T.

Gentlemen:

The Department has considered the application of Emma Nichols for the enrollment of herself and minor child, William Brooks Nichols who was born May 2, 1899, as citizens of the Creek Nation, received with the Commissioner of Indian Affairs' letter of January 20, 1902, in which he recommends that your decision be approved, it being in favor of the applicants.

You state that it appears that Emma Nichols was admitted to citizenship in the Creek Nation "by the Eufaula District Court in the year 1883, at which time said district court had jurisdiction over citizenship cases."

Apparently the evidence of this fact was found by you in another case, probably that of Eveline Berryhill. It has not been placed in this case as it should have been.

It also appears that Emma Nichols' name appears upon the "Omitted List" of Creek citizens accepted and approved by the act of Council of December 9, 1891, and that her name is found upon the authenticated Creek roll dated December 4, 1895,

known as the "1895 Omitted Pay Roll."

This is one of the cases mentioned by the attorneys of the Creek Nation in their communication of January 29, 1902, the subject of departmental letter of February 4, 1902, to which they make no objection.

Your decision is affirmed. Copy of the Commissioner's letter is inclosed.

Respectfully,

Thos. Ryan  
Acting Secretary.  
EMD.

1 inclosure.

COMMISSIONERS

HENRY L. DAWKINS  
TAMM BIXBY  
THOMAS B. NEEDLES  
C. F. BRECKENRIDGE

ALLISON L. AYLMERWORTH,  
SECRETARY.

DEPARTMENT OF THE INTERIOR,

COMMISSION TO THE FIVE CIVILIZED TRIBES.

ADDRESS ONLY THE  
COMMISSION TO THE FIVE CIVILIZED TRIBES.

Muskogee, Indian Territory, FEB 1 1902, 1902.

Received on this date from the Commission to the Five Civilized Tribes a copy of the record of proceedings in the matter of the application of Emma Nichols et al. for enrollment as citizens of the Creek Nation.

A. P. McKeef

Attorney for Creek Nation.

Creek No. 69.



COMMISSIONERS:  
HENRY L. DAVIS,  
TAMM DIXIE,  
THOMAS S. NEEDLES,  
C. R. BRECKINRIDGE.

ALLISON L. AYLESWORTH,  
SECRETARY.

DEPARTMENT OF THE INTERIOR,  
COMMISSION TO THE FIVE CIVILIZED TRIBES.

ADDRESS ONLY THE  
COMMISSION TO THE FIVE CIVILIZED TRIBES

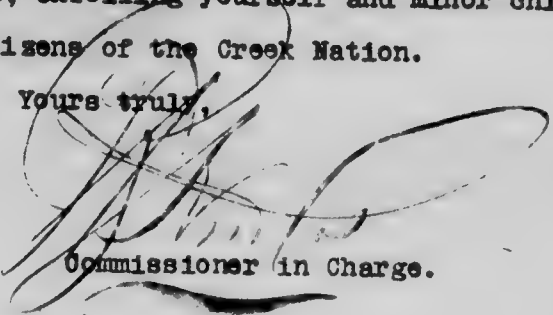
Muskogee, Indian Territory, February 15, 1902.

Emma Nichols,  
Creek, Indian Territory.

Dear Madam:

You are hereby advised that the Secretary of the Interior, under date of February 5, 1902, affirmed the decision of the Commission, dated May 21, 1901, enrolling yourself and minor child, William Brooks Nichols, as citizens of the Creek Nation.

Yours truly,



Commissioner in Charge.

COMMISSIONERS,  
HENRY L. DAWES,  
TAMM BIXBY,  
THOMAS B. NEEDLES,  
C. R. BRECKINRIDGE.

ALLISON L. AYLESWORTH,  
SECRETARY.

DEPARTMENT OF THE INTERIOR,  
COMMISSION TO THE FIVE CIVILIZED TRIBES.

(COPY)

ADDRESS ONLY THE  
COMMISSION TO THE FIVE CIVILIZED TRIBES

Muskogee, Indian Territory, February 15, 1902.

Jesse H. Hill, Esq.,

Attorney for Emma Nichols,

Muskogee, Indian Territory.

Dear Sir:

You are hereby advised that the Secretary of the Interior, under date of February 5, 1902, affirmed the decision of the Commission, dated May 31, 1901, enrolling Emma Nichols and her minor child, William Brooks Nichols, as citizens of the Creek Nation.

Yours truly,

T.B. Needles.

Commissioner in charge.

COMMISSIONERS:  
HENRY L. DAWES,  
TAMM BIRBY,  
THOMAS B. NEEDLES,  
C. R. BRACKINRIDGE.

ALLISON L. AYLESWORTH,  
SECRETARY.

DEPARTMENT OF THE INTERIOR  
COMMISSION TO THE FIVE CIVILIZED TRIBES.

(COPY)

ADDRESS ONLY THE  
COMMISSION TO THE FIVE CIVILIZED TRIBES

Muskogee, Indian Territory, February 13, 1902.

A. P. McKellop, Esq.,

H. C. Reed, Esq.,

Attorneys for Creek Nation,

Muskogee, Indian Territory.

Gentlemen:

You are hereby advised that the Secretary of the Interior, under date of February 5, 1902, affirmed the decision of the Commission, dated May 21, 1901, enrolling Emma Nichols and her minor child, William Brooks Nichols, as citizens of the Creek Nation.

Yours truly,

T.B. Needles.

Commissioner in Charge.

CR EN 70

CR EN 70

Department of the Interior,  
Commission to the Five Civilized Tribes,  
Muskogee, I. T. September 5, 1900.

In the matter of the application of Frank Carlina for the enrollment of himself and his minor children as citizens of the Creek Nation. Frank Carlina being duly sworn and examined by Acting Chairman Bixby testified as follows:

Examination by the Commission.

- Q What is your name? A Frank Carlina.  
Q How old are you? A About thirty six years old.  
Q What is your post-office address? A Okra.  
Q That is I. T.? A Yes sir.  
Q Where do you live? A Up yonder on South Canadian.  
Q South Canadian in the Creek Nation? A I have got my place in the Creek Nation rented out.  
Q How long have you lived in the Indian Territory? A All my life.  
Q Were you born here? A Yes sir.  
Q Have you been outside of the Indian Territory during the last three years? A No sir, worked right around home.  
Q You desire to make application for citizenship in the Creek Nation do you? A Yes sir.  
Q Have you ever been recognized by the tribal authorities as a citizen of the Creek Nation? A Always was ever since I have been big enough to know.  
Q Does your name appear on the tribal rolls of the Creek Nation? A I guess so, I drew money.  
Q When did you draw money? A When they were paying.  
Q Did you draw the \$14.40? A Yes sir.  
Q What year? A I don't know what year.  
Q Did you draw the \$29.00? A Yes sir.  
Q What year? A I could not tell.  
Q What town do you belong to? A North Fork Town. Sugar George's Town.  
Q Were you on the last roll of Sugar George Town? A I don't know.  
Q You never saw your name there yourself? A No sir.  
Q What is your father's name? A Quash Carlina.  
Q What is your mother's name? A Rose Carlina.  
Q Have you any brothers and sisters? A Yes sir.  
Q What are their names? A Jim, William, Morford, Gressie, Josie, Sarah.  
Q Who is Ted? A A little girl of my brother William's.  
Q Who is Davis? A Josie's little boy.  
Q Do you ever go by any other name? A Not that I know of.  
Q Is it Carlina or Caralina? A Some of them spells it different but I spell it Carlina.  
Q Your father and mother are living now? A Yes sir.  
Q Where were you at the time of the Dunn Payment? A I was living in the Nation.

Rose Carlina being duly sworn and examined by Acting Chairman Bixby, testified as follows:

- Q What is your name? A Rose Carlina.  
Q How old are you? A I don't know, sir. I reckon 55.  
Q Where do you live Beardana.  
Q How long have you lived in the Indian Territory? A All my days.  
Q Where were you born? A I was born in this Creek Nation. That's what they tell me.  
Q Where were you at the time of the Dunn Payment? A Back up there.

Frank Carlina 3--

- Q Did you draw the money at that time? A I reckon my old man drew it.
- Q Who was your old man? A Quash Carlina.
- Q You don't know yourself whether he drew it for you or not, do you? A No sir.
- Q Did you ever hear him say? A No sir he hardly ever tells me anything no how.
- Q Have you any children living? A Yes sir. I have seven.
- Q What are their names? A Frank, Gessie, Jim, William, Josephine, Sanford, Sarah Minnie, the baby.
- Q Who is David? A That is a little grand son.
- Q Who is Tod? A Her name is Cornelia.
- Q Goes by the name of Tod then? A Yes sir, nick name.
- Q Who is Frank? A Here he is.
- Q That is your son Frank sitting there? A Yes sir.
- Q He is a married man? A Yes sir, here's his wife.
- Q How long has he been married? A Twenty years or 21.
- Q Is there any other Frank in your family? A No sir, nary one in mine.
- Q Did you or your husband draw the \$14.40 for Frank? A Yes sir.
- Q Why didn't Frank draw it himself? A He wasn't there.
- Q Where was he? A He was back home.
- Q Frank has a wife and family of children hasn't he? A Yes sir, this is his wife and children.
- Q Why wasn't he on the roll with him own family instead of with your family? A I don't know sir, how that was.
- Q What is the name of Frank's wife? A Tilda.
- Q What was her name before she was married? A Tilda McIntosh.
- Q Whose daughter is she? A August McIntosh's daughter.
- Q What relation is she to Adam McIntosh? A His niece.
- Q What are the names of Frank's children by this woman? A Solomon, Carrie, Thomas, Rosa, Daisy, Nettie, Eva and this one is Ruth. There is so many of them I can't keep the names of them.
- Q Haven't you forgotten one of them? A Is there, one by the name of Mandy? A Yes sir, that is right.
- Q How old is Solomon? A He is about - he ought to be - I reckon about seventeen years old.
- Q He is the eldest? A Yes sir he's Frank's eldest.
- Q Did you ever belong to a Chickasaw? A No sir I never have. I was free born all my days.
- Q You never were a slave? A Never was a slave.

Tilda Carlina being duly sworn and examined by Acting Chairman Bixby testified as follows:

- Q What is your name? A Tilda Carlina?
- Q How old are you? A 34.
- Q Where do you live? A Nowka.
- Q Is that your post-office address? A No sir.
- Q What is your post-office address? A Okra.
- Q How long have you lived in the Creek Nation? A I don't know sir, how long.
- Q About how long? A About four years I reckon.
- Q How old are you? A 34.
- Q Where did you live before that? A With my mother.
- Q Is your mother a Chickasaw? A Yes sir, she was born there.
- Q Is she a Chickasaw freedman? A She is United States. She wasn't a Chickasaw freedman.
- Q What is your father's name? A August McIntosh.
- Q Was he a Creek? A Yes sir.
- Q Is he living? A No sir.
- Q When did he die? A I could not tell you when he died. He has been dead some time. Somewhere about nineteen or twenty years I reckon.
- Q Who is Adam McIntosh? A My uncle.
- Q What is the name of Adam's wife? A Viole.
- Q Do you know John McIntosh? A He's my first cousin.
- Q Who is Milly? A My aunty.

Frank Carline § ----

- Q Who is Louisa? A I've got an aunt by the name of Lucy.  
Q Is she a sister of Adam? A Yes sir.  
Q Did you draw the \$29.00? A Yes sir.  
Q Who drew it for you? A My uncle.  
Q Your Uncle Adam? A Yes sir.  
Q Did he get the money and turn it over to you? A Yes sir.  
Q Did he put you in with his family? A Yes sir.  
Q Why weren't you enrolled with your husband? A He was with his mother and I was with my uncle.  
Q Had you left your husband? A No sir, I was down here staying with him.  
Q Staying with your uncle? A Yes sir. He was back home.  
Q You had not left your husband? A No sir.  
Q How many children have you? A Eight.  
Q What is the name of the oldest one? A Solomon.  
Q How old is he? A Eighteen.  
Q What is the name of the next one? A Carrie, she's 16.  
Q Next? A Thomas, fourteen.  
Q What is the name of the next one? A Rosie, twelve.  
Q The next one? A Feda, ten. Mandu, seven. Eva four. Ruth six months.  
Q Do you know whether there were any children besides your children enrolled with Adam McIntosh in 1890 at the time of the \$29.00 payment? A I don't know, sir.  
Q Do you know Clara McIntosh? A No sir.  
Q Do you know Bettie? A Yes sir.  
Q Who is Bettie? A I think one of my cousins. We always called them nick names.  
Q Who is Ned McIntosh, Jr.? A That is my girl. A Nick name.  
Q Who was Baby McIntosh in 1890 at the \$29.00 payment. A My baby who was named Thomas.  
Q Where were you at the time of the Dunn payment? A I wasn't born I don't guess.  
Q What is the name of your father? A August McIntosh.  
Q Is he living? A No sir.  
Q Have you a brother or sister? A No sir, I haven't any sister.  
Q This Adam McIntosh is your uncle? A Yes sir.  
Q Have you any half brothers? A Jerry, Charley, Coedy.  
Q You don't think you were born at the time the Dunn payment was made? A I don't know, sir. I may have been born but was too small to know about it.  
Q You say your father's name was August McIntosh? A Yes sir.  
Q He is dead? A Yes sir.  
Q Do you know his the name of his mother? A Hagar was his mother's name.  
Q Who was his mother's owner? A I don't know, sir.  
Q Katie was his wife's name? A That was my brother's name. Jerry's wife's name.  
Q Who was Margaret Lewis? A My father had a wife named Margaret when he died.  
Q Is Margaret living now? A Yes sir.  
Q But your father's mother is dead? A Yes sir and my father's dead.  
Q What are your brothers' names? A The oldest one is Charley. Jerry. The next one is Rayford and the youngest one is Coedy.  
Q Are your brothers older than you? A One of them, Charley is older than I am.  
Q Charley is the only one that is older than you? A Yes sir.

This woman is evidently the daughter of August McIntosh/ No. 602 on the Dunn Roll and she and her children are entitled to enrollment as descendants of the said August McIntosh.

Nyra Young having been first duly sworn, states that as



Frank Carlson 4---

steno-grapher to the Commission to the Five Civilized Tribes, and  
registered in full at the Commission in the above named office  
on the 1st day of September, 1904, and that the above said stenographer  
is a full, true and correct stenographer of her stenographic notes  
of said proceedings on said date.

Myra Young

Subscribed and sworn to before me this 12 day of Sept. 1904.

Notary Public  
Acting Chairman.

Department of the Interior,  
Commission to the Five Civilized Tribes,  
Muskogee Land Office, September, 6th, 1900

In the matter of the application of Frank Carolinar for enrollment of himself and of his wife, Tilda Carolinar, and his eight minor children William, Carrie, Thomas, Rosa, Nettie, Manda, Eva and Rush Carolinar, as citizens of the Creek Nation; Adam McIntosh having been first duly sworn testified as follows:

By the Commission:

- Q. What is your name? A. Adam McIntosh
- Q. What is your postoffice address? A. Muskogee, I. T.
- Q. How old are you? A. I dont know just exactly, but must ought to be somewhere about 80.
- Q. How long have you resided in the Creek Nation? A. Ever since I can recollect myself.
- Q. Are you a recognized citizen of the Creek Nation? A. Yes sir.
- Q. Do you know Frank Carolinar who makes an application for enrollment in the Creek Nation? A. I have not known him until he married to my niece.
- Q. When was he married to her? A. Cannot tell exactly when they married. They were enrolling her in 1890 or 1891 and I knew him then.
- Q. Then you have known him for about 4 years? A. Yes sir, little longer than that.
- Q. Do you know his wife, Tilda Carolinar? A. Yes sir.
- Q. How long have you known her? A. Directly after—when she was small—before she was married.
- Q. Do you know how many children she has got? A. Dont know now how many she has got; have not paid any attention to it since she was drawing at that time there was 5 or 6; there may be more now but if there is I dont know how much more she has got.
- Q. Is Tilda Carolinar any kin of yours? A. Yes sir she is my niece she is the daughter of my brother.
- Q. Do you know how long she has been living in the Creek Nation? A. I do not know how long she has been living in the Creek Nation here; when they was enrolling, she was living back in the west of the Creek Nation.
- Q. Did she ever live with you? A. No sir she never did live with me; when she came in she stopped with me.
- Q. You say "when she came in" where did she come from? She either came in from the Chickasaw or Seminole Nation, I dont know which one her man was living in. The Seminole Nation was the one he had a home in and she lived out there with him.
- Q. Did you ever draw any money for her or for her children from the Creek Nation? A. Yes sir
- Q. At what time did you draw money from the Creek Nation? A. In 1891, the first payment was in 1891 I think it was.
- Q. Did you draw that first money when the \$29.00 payment was made? A. Yes sir.
- Q. Did you include her and her children with the names of your family when you drew? A. Yes sir; I didn't do it exactly, her husband belonged to North Fork town and she belonged to Arkansas town, and I was also belonging to Arkansas town. I drew for her and her children
- Q. How many children did you draw for when you drew for her in 1890.
- A. I never kept any record of it but it must have been 5 or some where about there. It has been so long that I dont remember as I do not keep no record of it.
- Q. Who was Dicey McIntosh? A. My wife.
- Q. Who was John McIntosh? A. A nephew of mine.
- Q. Who was Millie McIntosh? A. A sister of mine.
- Q. Who was Louana McIntosh? A. You might be speaking now of her children; I think that it is a child of his ( Carolinar's )

Q. Did you draw money for Dicey McIntosh, John McIntosh and Millie McIntosh. A. I didnt draw for my wife, she drew in North Fork town; me and John McIntosh was on the Arkansas town and got paid there.

Q. How about Millie McIntosh, did you draw for her? A. Have to study about Millie—I have not drawed for anybody but myself, John McIntosh and my niece and her children—for Millie McIntosh,—it must be that she is one of my niece's children; I have forgotten I never kept no record. I have a sister by the name of Millie McIntosh.

Q. Do you know Clara McIntosh? A. Yes sir.

Q. Who is she? A. A daughter of this man. ( Carolinara )

Q. Do you Bettie McIntosh? A. Yes sir, she is his child.

Q. Ned McIntosh, Jr.? A. Yes sir, his child, Carolinara's.

Q. Did you draw \$29.00 for Solomon McIntosh in the year 1890? A. No sir I never drawed for Solomon McIntosh in 1890—now born since that—I dont remember that name at that time—Soloman was on the \$14.00 payment.

Q. Then all the people that you draw money for in 1890 was for yourself, John McIntosh, and Tilda Carolinara and her children? A. Yes sir, My wife she drawed up at North Fork town.

Q. Has your sister Millie McIntosh any children? A. Yes sir.

Q. Did you draw for her children? A. No sir she had some one else draw for her; she is older than I am.

Q. Did you draw for Millie McIntosh and her children in 1895? A. Yes sir, that is Wiley McIntosh drawed it, but I seen him do it.

Q. Did you send their names in? A. Yes sir I sent their names in and Wiley McIntosh he drawed the money for them.

Q. Who is Louisa McIntosh? A. I dont know it must be a daughter of this here man—Carolinara—it has been so long that I dont recollect The did not give in the names correct, sent in baby names or nicknames, like Ned, Bull, Baby,—something like that.

Q. Who did you draw money for besides yourself? A. I drawed for myself and for Tilda McIntosh and her children.

Q. For any one else? A. For John McIntosh.

Q. Who is John McIntosh? A. He is a nephew of mine, a boy I raised Old Sam McIntosh's son.

Q. Did you know Billie McIntosh? A. Let me see, Thomas, Soloman, Ned—Billie—I dont remember that name—might have been in some other name.

Q. How many of Tilda's children did you draw money for in 1895? A. I told you it is hard for me to tell you how many there was in 1895, She sent in two children to be enrolled that I remember of; been so long ago that I cannot tell.

Q. Well then how much money did you turn over to Tilda McIntosh in 1895? A. I dont know exactly how much I drawed; I turned over about \$80.00 I think in money—they drawed a whole lot here traded it out. I received notice from Frank Carolinara that he had received his money.

Q. You think that there was about \$80.00. A. Somewhere along there.

Q. That would make about six persons for whom you draw money there at that time? A. Yes sir must have been about five children and the mother—it has been so long and as I did not keep no remembrance of them at all after the payment was over—

Q. Mr. McIntosh, please state the names of the children of Tilda McIntosh. A. Carrie, Soloman, Thomas, Ned, Nettie, I believe one is named Nettie, that is all I can remember—that is correct—that is all I can remember.

Q. Do you know whether or not you draw money for these children in 1895? A. Wiley McIntosh drawed that money. I was the head of that family, but he was a member of the council, and he drawed it.

Q. The names of Tilda McIntosh, Clara McIntosh, Ned Jr., and Baby McIntosh appear on the 1890 roll with you and your brothers and sisters can you positively identify them Tilda, Clara, Ned Jr., and Baby McIntosh so named as this Tilda and ~~was~~ four of her children? A. Yes sir.

Q. Identify them as the children of Tilda McIntosh? A. Yes sir.

Q. You swear positively then that you draw money for five persons in the family of Tilda McIntosh in 1890? A. Yes sir.

Q. Was it \$29.00 that you draw for each of them at that time? A. Yes sir I draw \$29.00 for five of them at that time.

3:  
The 1890 roll examined and the names of Tilda McIntosh, Clara Bettie, Ned Jr., and Baby McIntosh found thereon at page 35 Arkansas town.

Q. Do you recollect how many children in Tilda's family you drew for in 1895? A. I cannot recollect how many exactly that I did draw for.

Q. The names of Tilda McIntosh, Clara, Bettie, Ned, Willey and Solomon McIntosh appear on the 1895 authenticated roll of Arkansas town, can you positively identify them as Tilda McIntosh and her five children? A. Yes sir.

Q. You did not draw any money for anyone else in 1895 excepting yourself, John McIntosh and Tilda McIntosh and her five children. A. Yes sir I drew for them.

Q. Do you swear positively to that fact? A. Yes sir,—I cant swear that I drew any of it myself but I seed it drawn.

That is not what I asked— did you actually draw this money yourself in 1895? A. The money was not paid into my hands, but I was standing there when it was paid to Willey McIntosh, and I went with him and saw him turn it over to Carolinar.

Q. Then as a matter of fact it was Willey McIntosh who drew the money in 1895? A. Yes sir he drew this moeny for her at that time and he turned it over to her.

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Willey McIntosh having been first duly sworn testified as follows:

By the Commission:

Q. What is your name? A. Willey McIntosh.

Q. How old are you? A. 44 years old.

Q. What is your postoffice address? A. Muskogee, I. T.

Q. Are you a recognized citizen of the Creek Nation? A. Yes sir.

Q. Have you ever held any office in the Creek Nation? A. Yes sir I have been a Senator of the National council.

Q. When was that? A. In 1890 and 1891.

Q. To what town do you belong? A. Arkansas colored town.

Q. Do you know that applicant in this case, Frank Carolinar? A. Yes sir personally acquainted with him.

Q. How long have you known him? A. 7 or 8 years.

Q. Do you know his wife, Tilda Carolinar? A. Yes sir.

Q. How long have you known her? A. 10 years or more.

Q. Do you know how many children Frank and Tilda Carolinar have.

A. I canot just say exactly how many they had at the time; think it was about 5, would not be positive, at that time I think it was 5.

Q. Did you ever draw any money for Tilda Carolinar and her children from the Cre k Nation? A. Yes sir.

Q. What year? A. 1891.

Q. Was that when the \$29.00 payment was made? A. I think it was in 1891 when the \$29.00 payment was made, I know that the roll was made up in 1890.

Q. How many of Tilda's family did you draw money for in 1891? A. I dont exactly know, I think it was about five children, that makes six people in all. I is very hard work for me to recollect; I was not keeping any record; the roll shows it; but I know the children when their names are called.

Q. Did you draw money also for Adam McIntosh? A. No sir he drew his own money.

Q. You cannot positively identify the children of Tilda by their names? A. No sir.

Q. You are not positive how many children you drew for in 1895? A. No sir, I cannot tell ne less I go to the pay roll.

Q. Did you draw money for Tilda McIntosh and her children in 1895 when the \$14.40 payment was made? A. Yes sir I drew that I think.



Q. Did you draw money at that time for Adam McIntosh? A. No sir, I think Adam drew his own money.

Q. Do you know how many of Tilda's children you drew money for at that time? A. I would not be positive.

Q. Do you know any of the names that you drew for in 1895? A. Tilda, Carrie, Ned, Solomon and the last one Baby, that was a nickname that he went by—got another one that was called Nettie I think.

Q. Do you know Billie McIntosh? A. Yes sir I know him.

Q. Who was that? A. He is a son of my niece living across the river.

Q. Did you draw money for him in 1895? A. No sir, his mother drew for him.

Q. Did you draw money for Johnnie McIntosh in 1895? A. No sir.

The pay roll for the Arkansas Colored town of the Creek Nation for the payment of 1895 examined and the names of Tilda McIntosh, Clara McIntosh, Bettie McIntosh, Ned McIntosh, Billie McIntosh, Solomon McIntosh and Johnnie McIntosh found thereon, from numbers 1524 to 1530 inclusive, together with the receipt of Wiley McIntosh for the money drawn, signed by mark and witnessed by S. J. Haynes, and dated October, 23d 1895.

Q. Can you swear positively that you drew the money, \$14.40, for Tilda McIntosh and yourself and her children in 1895? A. I can.

Q. All six of her children? A. Her and five children.

Q. I asked you if you could swear positively if you drew for her and six of her children, that makes for seven. A. Five is all that I can identify and her makes six.

Q. As a matter of fact you are not sure how many children you drew money for Tilda McIntosh in 1895? A. No sir I am not for I cannot remember, the only way I can no is to see the pay roll, their names are signed there. I cannot be positive how many there were. I cannot say exactly how much money I drew and turned over but am positive that I drew money for them.

Q. You can swear positively that you drew money for Tilda and her children in 1890 and 1895? A. Yes sir I can swear to that.

Q. But you cannot swear positively how many of her children that you drew for? A. No sir.

The 1890 authenticated roll examined and the names of Tilda Clara, Bettie, Ned, Billie and Solomon, at numbers 1524 to 1529 both inclusive found thereon

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FRANK CAROLINAR called and having been duly sworn testified as follows:

By the Commission:

Q. What is your name? A. Frank Carolinar

Q. What is your age? A. About 36.

Q. What is your post office address? A. Okra, I. T.

Q. Are you a citizen of the Creek Nation? A. Yes sir.

Q. For whom do you apply for enrollment besides yourself as citizens of the Creek Nation? A. My family—wife and children.

Q. How many children? A. Eight living children.

Q. Have you been recognized by the tribal authorities as a citizen of the Creek Nation? A. Yes sir.

Q. Have you ever been enrolled by the tribal authorities as a citizen of the Creek Nation? A. Yes sir.

Q. Does your name appear upon the tribal rolls of the Creek Nation? A. I think it do.

The authenticated tribal rolls of the Creek Nation for the year 1890 examined, and the name of Frank Carolinar not found thereon.

Authenticated tribal roll for the Creek Nation for the year 1895 examined and the name of Frank Carolinar found thereon, together with the following: His father Quash Carolinar, and Rose Carolinar his mother also.

- Q. Where do you live? A. I lived at South Canadian, but have been living at Wewoka.
- Q. How long have you lived there? A. In Wewoka?
- Q. Yes sir. A. 5 or 6 years
- Q. Where did you live prior to that time? A. In South Canadian.
- Q. What is the name of your father? A. Quash Carolinar.
- Q. Is he living? A. Yes sir.
- Q. Is he a citizen of the Creek Nation? A. Yes sir.
- Q. Is his name on the Dunn roll? A. Yes sir I think it is.
- Q. What is your mother's name? A. Rose Carolinar.
- Q. Is she living? A. Yes sir.
- Q. Is she a citizen of the Creek Nation? A. Yes sir.
- Q. To what town in the Creek Nation do they belong? A. North Fork.
- Q. You also make application for the enrollment of your wife Tilda as a citizen of the Creek Nation? A. Yes sir.
- Q. Has she ever been recognized by the tribal authorities of the Creek Nation as a citizen of that Nation? A. Yes sir.
- Q. Does her name appear upon any of the tribal rolls of the Creek Nation? A. As near as I can understand she is.

The authenticated roll of the Creek Nation for the year 1890 examined and the name of Tilda McIntosh found thereon at page 35; also the authenticated tribal roll of the Creek Nation for the year 1895 examined and the name of Tilda McIntosh found thereon.

- Q. What is the name of your wife's father? A. August McIntosh.
- Q. Is August McIntosh now living? A. Dead.
- Q. Was he a citizen of the Creek Nation? A. Yes sir.
- Q. Is his name on the Dunn roll? A. I think that it is on the Dunn roll.
- Q. What is the name of your wife's mother? A. Luvina Jefferson.
- Q. Is she now living? A. Yes sir.
- Q. Is she a citizen of the Creek Nation? A. No sir she is a citizen of the United States, so said to be.
- Q. How old is your wife? A. As near as I know she is 33 or 34 years old.
- Q. You also make application for enrollment of eight of your minor children, please state names and ages of these children beginning with the oldest and going on down to the youngest. A. Solomon, 18 years old; Carrie, 16 years old; Thomas, 14 years old; Rosa, 12 years old; Nettie, 10 years old; Manda, 7 years old; Eva, 4 years old and Baby who is six months old.; the name of Baby is Rush but we call it Baby.
- Q. Are these children all living now? A. Yes sir these eight are, I have four dead.
- Q. You are the father of all these children? A. Yes sir that is what the mother says.
- Q. Is Tilda the mother of all of them?
- Q. Have these children ever been recognized by the tribal authorities of the Creek Nation? A. Yes sir.
- Q. They have been enrolled by the tribal authorities of the Creek Nation? A. Yes sir.
- Q. Do their names appear on the tribal rolls of the Creek Nation? A. The names given in yesterday are the names given in, some of them are nick names and some of them baby names.

The authenticated roll for the year 1890 of the Creek Nation examined and the names of Tilda, Clara, Bettie, Ned Jr., and Baby McIntosh found thereon at page 35; also the authenticated tribal roll of the Creek Nation for the year 1895 examined and the names

of Tilda, Clara, Bettie, Ned, Billie and Solomon found thereon.

You will be furnished at a later date with a copy of the decision of the Commission with reference to the application made by you at this time for the enrollment of yourself and your wife and your eight minor children as citizens of the Creek Nation, mailed to you at your proper post-office address at Okra, Indian Territory. The Commission will transmit all such memorandum of this application as has been made at this time, together with a copy of the testimony which has heretofore been taken by this Commission in the matter of your application and that of your wife and eight minor children for enrollment as citizens of the Creek Nation, and a copy of its decision in regard to said application to the Honorable Secretary of the Interior, when the final rolls of citizens of the Creek Nation are sent to him for consideration and approval.

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Charles von Weise having been first duly sworn, upon his oath states that as stenographer to the Commission in the Five Civilized Tribes, he reported in full all proceedings had in the above entitled case on the 6th day of September, 1900, and that the above and foregoing is a full, true and correct transcript of his stenographic notes taken of said proceedings on said date.

Chas. von Weise

Subscribed and sworn to before me this the 11 day of September, 1900.



Acting Chairman.

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DEPARTMENT OF THE INTERIOR  
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application of Frank Carlina for the enrollment of himself, his wife, Tilda Carlina and their eight minor children, Solomon, Carrie, Thomas, Rosie, Neda, Manda, Eva and Rush Carlina as citizens of the Creek Nation.

DECISION.

It appears from the record in this case that on September 8, 1900, Frank Carlina appeared before this Commission at Muskogee, Indian Territory and made application for the enrollment of himself, his wife, Tilda Carlina and their eight minor children, Solomon, Carrie, Thomas, Rosie, Neda, Manda, Eva and Rush Carlina as citizens of the Creek Nation; that additional testimony was taken in support of said application on September 8, 1900.

It also appears that the said Frank Carlina is the son of Quash and Rose Carlina, both Creek freedmen and recognized citizens of the Creek Nation, whose names appear upon the 1890 and 1895 authenticated Creek rolls; that the name of the said Frank Carlina is found upon the 1895 authenticated census roll of North Fork Town of the Creek Nation.

It further appears that the said Tilda Carlina is the daughter of August McIntosh whose name appears upon the roll of Creek freedmen made by J. W. Dunn at No. 602; that the said Tilda Carlina and her children above named have been recognized as citizens of the Creek Nation by the tribal authorities thereof and that the names of herself and those of her children who were living at the time appear with some variations upon the 1890 and 1895 authenticated Creek rolls.

Paragraph Five of the act of Congress approved June 28, 1898, ( 30 Stats. 495) provides:

~~The rolls of Creek freedmen~~ made by J. W. Dunn, under authority of the United States, prior to March 14th, 1867, is hereby confirmed, and said Commission is directed to enroll all persons now living whose names are found on said roll, and all descendants born since the date of said roll to persons whose names are found thereon, with such other persons of African descent as may have been rightfully admitted by the lawful authorities of the Creek Nation."

It is therefore the opinion of this Commission that the said Frank Carlina and Tilda Carlina and their eight minor children, Solomon, Carrie, Thomas, Rosie, Neda, Manda, Eva and Rush Carlina are Creek freedmen and should be enrolled as citizens of the Creek Nation in accordance with the provision of law above quoted, and it is so ordered.

The Commission to the Five Civilized Tribes.

Dated at Okmulgee, Indian Territory,  
this the 21st day of May, 1901.

Acting Chairman.

Commissioner.

Commissioner.

(COPY)

Muskogee, Indian Territory, January 17, 1902.

The Honorable,

The Secretary of the Interior

Sir:

There is herewith transmitted the record of proceedings in the matter of the application of Frank Carlina for the enrollment of himself, his wife, Tilda Carlina, and children, Solomon, Carrie, Thomas, Rosie, Nedra, Manda, Eva and Bush Carlina, as citizens of the Creek Nation, including the decision of the Commission, dated May 21, 1901, enrolling said applicants as citizens of said nation.

Respectfully,

T.B. Needles.

Commissioner in charge.

1 enclosure  
Creek 70.

Through the Commissioner  
of Indian Affairs.

(COPY)

Muskogee, Indian Territory, January 17, 1908.

A. P. McKelley, Esq.,

H. C. Reed, Esq.,

Attorneys for Creek Nation,

Muskogee, Indian Territory.

Gentlemen:

There is herewith enclosed a copy of the decision of the Commission to the Five Civilized Tribes in the matter of the application for the enrollment of Frank Carlina, his wife, Filda Carlina, and children, Solomon, Carrie, Thomas, Rosie, Nedra, Manda, Eva and Ruth Carlina, as citizens of the Creek Nation.

The decision, with a copy of the proceedings had in the case, is this day transmitted to the Secretary of the Interior for his review and decision. The final decision of the Secretary will be made known to you as soon as the Commission is informed of the same.

Yours truly,

T. B. Needles.

Commissioner in charge.

1 enclosure  
MAR-70.  
Registered.

(COPY)

Mankegee, Indian Territory, January 17, 1902.

Frank Carlina,

Okra, Indian Territory

Dear Sir:

There is herewith enclosed a copy of the decision of the Commission to the Five Civilized Tribes in the matter of the application made by you for the enrollment of yourself, your wife, Filda Carlina, and your children, Solomon, Carrie, Thomas, Essie, Nedra, Manda, Eva and Ruth Carlina, as citizens of the Creek Nation.

The decision, with a copy of the proceedings had in the case, is this day transmitted to the Secretary of the Interior for his review and decision. The final decision of the Secretary will be made known to you as soon as the Commission is informed of the same.

Yours truly,

T. B. Needles.

Commissioner in charge.

1 enclosure  
PC-70.  
Registered.

(COPY)

Refer in reply to the  
following: 1000  
1900-1902.

DEPARTMENT OF THE INTERIOR  
Office of Indian Affairs.

Washington, January 30, 1902.

The Honorable

The Secretary of the Interior.

Sir:

There is inclosed herewith a report dated January 17, 1902, from T. B. Needles, Esq., Commissioner in charge of the work of the Dawes Commission, transmitting for the Department's consideration the record in the matter of the application of Frank Carlina for the enrollment of himself, his wife, Tilda Carlina, and their eight minor children, Solomon, Carrie, Thomas, Rosie, Neda, Manda, Eva and Rush Carlina, as citizens of the Creek Nation.

May 21, 1901, the Commission rendered its decision in this case and found that all of said parties are Creek freedmen and that they should be enrolled as citizens of the Creek Nation.

The record in this case shows that the father of these children is the son of Quash and Rose Carlina, both of whom are Creek freedmen; that their mother Tilda Carlina is the daughter of August McIntosh, whose name appears, the Commission states, on the Dunn Roll. The record also shows that the

father and mother of Frank Carlin are recognized citizens of the Creek Nation, and that his name appears on the 1895 authenticated census roll of North Fork Town of the Creek Nation.

Section 21 of the Curtis act approves the Dahn Roll and declares that all persons now living whose names are found on said roll and all their descendants born since the date of said roll to persons whose names are found thereon, shall be enrolled by the Commissioner as citizens of the Creek Nation.

The office believes that the Commission's decision in this case is correct, and therefore recommends that it be approved.

Very respectfully,

Your obedient servant,

W. A. JONES.

Commissioner.

GAW  
D

3 incls.



COPIES

23761

DEPARTMENT OF THE INTERIOR  
WASHINGTON

I.T.D. 662,3447-1902.

April 21, 1902.

L.R.S.

Commission to the Five Civilized Tribes,

Muskogee, I. T.

Gentlemen:

January 30, 1902, the Acting Commissioner of Indian Affairs transmitted the record in the matter of the application for enrollment of Frank Carlina, his wife Tilda, and their minor children, Solomon, Carrie, Thomas, Rosie, Nedra, Mauda, Eva and Ruth Carlina, as citizens of the Creek Nation, and recommended that your decision in the case of May 21, 1901, in favor of the applicants, be approved.

It is stated in your decision that Frank Carlina is the son of Quash and Rose Carlina, both Creek freedmen and recognized citizens of the Creek Nation, whose names appear upon the 1890 and 1895 authenticated Creek rolls; that the name of said Frank Carlina is found upon the 1895 authenticated census roll of North Fork Town of the Creek Nation; also, that said Tilda Carlina is the daughter of August McIntosh, whose name appears upon the roll of Creek freedmen made by J. W. Dunn; (see section 21 of the Act of June 28, 1898, 30 Stat., 495); that she and her children have been recognized



as citizens of the Creek Nation "by the tribal authorities," and that the names of herself and those of her children who were living at the time appear, with some variations, upon the 1890 and 1895 authenticated Creek rolls.

With your letter of April 18, 1902, was received argument in this case by the attorneys for the nation. It is asserted in said argument that none of the applicants are shown by competent testimony to be descendants of persons whose names appear on said Dunn roll, and that they were born to said persons since the making of such roll; that the testimony does not show that applicants were ever duly admitted to citizenship in the Creek Nation; that, while it is shown that "their names appear on the rolls of 1890 and 1895, it does not appear how their names were placed on such rolls." Reference is made to the act of June 28, 1898, and section 148 of the Creek laws, and it is contended that there is no evidence that claimants have been admitted into the nation, and that, therefore, the conclusion must be "their enrollment on the pay roll of 1895" was procured by fraud or without authority of law.

The Department has carefully considered the matter, and affirms your decision. A copy of the Acting Commissioner's letter is inclosed.

Respectfully,

THOS. RYAN.

Acting Secretary.

1 inclosure.

END.

Washington, Ind. Ter., May 1, 1902.

Frank Carlina,

Okma, Ind. Ter.

Dear Sir:

You are hereby advised that the Secretary of the Interior, under date of April 21, 1902, affirmed the decision of the Commission, dated May 21, 1901, enrolling yourself, and Tillie Carlina, your wife, and your eight minor children, Solomon, Savie, Thomas, Rosie, Nedra, Manda, Eva and Ruth Carlina, as citizens of the Creek Nation.

Yours truly,

T. B. HENKLES.

Commissioner in Charge.

Creek-79.

OOH.

(COPY)

Muskogee, Ind. Ter., May 1, 1902.

A. P. McKelley, Esq.,

H. C. Wood, Esq.,

Attorneys for the Creek Nation,

Muskogee, Ind. Ter.

Gentlemen:

You are hereby advised that the Secretary of the Interior, under date of April 23, 1902, affirmed the decision of the Commissioner, dated May 21, 1901, enrolling Frank Carlina, and Tilda Carlina, his wife, and their eight minor children, Solomon, Carrie, Thomas, Rosie, Nedra, Mauda, Eva and Ruth Carlina, as citizens of the Creek Nation.

Yours truly,

T. D. WICKES.

Commissioner in Charge.

Creek-70.

SW.

Creek Case #70.

Muskogee, Indian Territory, September 19, 1904.

Postmaster,

Okra, Indian Territory.

Dear Sir:

On January 18, 1902, there was mailed from the office of the Commission to the Five Civilized Tribes, at Muskogee, Indian Territory, a registered letter addressed to Frank Carlina, at Okra, Indian Territory, and same has neither been returned nor receipted for, to date. If uncalled for, return to the Commission.

Respectfully,

Acting Chairman.

COMMISSIONERS:

HENRY L. DAWES,  
TAMM BIXBY,  
THOMAS B. NEEDLES,  
C. R. BRECKINRIDGE

ALLISON L. AYLESWORTH,  
SECRETARY.

DEPARTMENT OF THE INTERIOR,

COMMISSION TO THE FIVE CIVILIZED TRIBES.

ADDRESS ONLY THE  
COMMISSION TO THE FIVE CIVILIZED TRIBES

Muskogee, Indian Territory, 11 2, 1902.

Received on this date from the Commission to the Five  
Civilized Tribes a copy of the record of proceedings in the matter  
of the application of Frank Carlina et al. for enrollment as  
citizens of the Creek Nation.

A. P. M. Keefe

Attorney for Creek Nation.

Creek No. 70.

CR EN 71

CR EN 71



REPORT OF THE COMMISSIONER,  
COMMISSION TO THE FIVE CIVILIZED TRIBES,  
MUSKOGEE, 1890-1891, 1892-1893.

In the matter of the application of Talmarscy Scott, for the enrollment of his wife, Lucy Scott, and his three minor children, Edith, Ella and Yarna Scott, as citizens of the Creek Nation.

TULMARSEY SCOTT, being duly sworn, testified as follows, through official interpreter, J. H. Lyness:

(By the commission)

- Q What is your post office address? A Okfusky.
- Q What is your name? A Talmarscy Scott.
- Q What is your age? A About 37 or 38.
- Q You are a recognized citizen of the Creek Nation? A Yes sir.
- Q You have been enrolled by the Commission to the Five Civilized Tribes as a citizen of the Creek Nation? A Yes sir.
- Q For whom did you make application at this time for enrollment as citizens of the Creek Nation? A Lucy, Edith, Ella and Yarna.
- Q Lucy Scott is your wife? A Yessir.
- Q Edith Ella and Yarna are his minor children? A Yes sir.
- Q How old is Lucy Scott? A About 14.
- Q How old is Ella Scott? A About 8.
- Q How old is Yarna? A About 3.
- Q Are your wife and these three minor children all now living? A Yes sir.
- Q Are they all living with you? A Yes sir.
- Q Do they reside with you in the Creek Nation? A Yes sir.
- Q Have you wife and these minor children ever been recognized by the tribal authorities of the Creek Nation as citizens of the Creek Nation? A He says that his understanding; that they were recognized as Creek citizens.
- Q Have they ever been enrolled by the Creek tribal authorities as citizens of the Creek Nation.
- A He says they were enrolled by Woxie Harjo, the town king of their town.
- Q In what town? A Artussee.
- Q When were they enrolled? A He says he doesn't know exactly when they were enrolled; he says they were enrolled by the town king a little before the commission was at Okmulgee, taking the census, about two years ago.
- Q Do their names appear upon the tribal rolls of the Creek Nation?
- A He says they were put on there, or they should be.
- Q Were they ever enrolled by the Creek tribal authorities as citizens of the Creek Nation prior to 1898?
- A He says he thinks they were on the Seminole rolls up to the date of this transfer. (the transfer was in 1898)
- Q To what town in the Creek Nation does his wife and minor children enrolled in 1898? A Artussee.

The authenticated tribal roll of the Creek Nation, Artussee town for the year 1898 examined and the names of Lucy, Edith

Scott were not found thereon. Also the authenticated tribal roll of the Creek Nation for 1895 Artussee town examined and the names of Lucy, Edith and Ella Scott were not found there on.

- Q Your wife, Lucy Scott, and your three minor children, Edith, Ella and Yarna Scott were transferred from the Seminole Nation to



- to the Creek Nation in 1898 were they not? A He says he remembers it was that way because they transferred this Lucy applied to him have them enrolled from the Seminole to the Creek Nation.
- Q It appears from the certificate of the Seminole Nation, which is herewith filed and was a part of this application, that Lucy, Edith, and Yarnor Scott were transferred to the Creek some time in the year 1898, and have not been recognized as Seminole citizens since that date.
- Q Was your wife and three minor children ever admitted to citizenship in the Creek Nation by the Creek Tribal authorities?
- A No, they were never admitted by the tribal authorities.
- Q Did his wife and three minor children in the year 1898 make application to the Commission to the Five Civilized Tribes for admission as citizens of the Creek Nation? A No sir.
- Q Was his wife and minor children ever for whom he makes application at this time ever admitted to citizenship in the Creek Nation by decree of the United States court for the Indian Territory on appeal from the tribal authorities? A No sir.
- Record of applicants admitted to citizenship in the Creek Nation in the year 1896 by the Commission to the Five Civilized Tribes, acting under the act of Congress, approved June 10th, 1896 examined, and the names of none of the applicants appear thereon.
- Record of persons admitted to citizenship by decree of the United States court in Indian Territory on appeal from the decision of the Creek Tribal authorities, and the decision of the Commission to the Five Civilized Tribes acting under the act of Congress approved June 10th, 1896 examined, and the names of none of the applicants appear thereon.
- Record of the admission of citizens by the Creek tribal authorities examined, and the names of none of the applicants herein found thereon.
- Q Did he or his wife apply to the Commission to the Five Civilized tribes to be enrolled as citizens of the Creek Nation in 1898?
- A No sir, he never did.
- It appears from Creek Census card No. 2328 that Lucy, Addie, Edith, and Yarnor were enrolled thereon.
- Q Prior to 1898 were your wife and three minor children recognized citizens of the Seminole Nation? A He says he supposes that they were from the fact that they drew money over there.
- Q Did the names of his wife and three minor children appear upon the authenticated rolls of the Seminole Nation prior to 1898?
- A I suppose they did, because they drew money over there. The rolls of the Seminole Nation examined and the names of Lucy and Yarnor Scott and child found thereon at number 693.
- Q Has his wife and three minor children been enrolled by the Commission to the Five Civilized tribes as citizens of the Seminole Nation?
- A He says they were never enrolled by the Dawes Commission.
- Upon examination of the Seminole card No. 603, the names of Lucy Edith, Edith, Edith and Yarnor Scott were found thereon.
- Q To what band in the Seminole Nation did his wife and child belong?
- A To the Gopher band.
- Q He is the father of these three minor children is he not? A Yes sir.
- Q Lucy Scott is the mother of them? A Yes sir.
- Q What is the name of your father? A Charles Harjo.
- Q Is he now living? A No sir.

- Q Was he a citizen of the Creek Nation during his life time?  
 A Yes sir.  
 Q What portion of Creek blood did his father have? A He was a full blood.  
 Q What is the name of his mother? A Hannah Scott.  
 Q Is she now living? A No sir.  
 Q Was she a recognized citizen of the Creek Nation? A Yes sir, by blood.  
 Q You are a full blood Creek Indian are you not? A Yes sir.  
 Q What is the name of your wife's father? A Nehathlonoo Yahola.  
 Q Is he now living? A No sir, he is dead.  
 Q During his life time was he a recognized citizen of the Creek Nation? A Yes sir.  
 Q What proportion of Creek blood did he claim? A He was a full blood Creek Indian.  
 Q What is the name of your wife's mother? A Ishearbooky.  
 Q Was his wife's mother a recognized citizen of the Creek Nation?  
 A He says she was recognized as a Creek citizen, until the Spieshe war, after they came back her father went over to the Seminole Nation. His wife's mother and father went over to the Seminole Nation.  
 Q What proportion of Creek blood did his wife's mother have.  
 A She was a full blood Creek Indian.  
 Q Then you wife, Lucy, and your three minor children, Edith, Ella and Yarna Scott are full blood Creek Indians are they not? A  
 A Yes sir.  
 Q They have no Seminole blood in them then? A No sir.

You will be furnished at a later date with a copy of the decision of the Commission with reference to the application made by you at this time for the enrollment of your wife, Lucy Scott and three minor children, Edith, Ella and Yarna Scott, as citizens of the Creek nation by blood, which will be mailed to you at your proper post office address at Okfusky, Indian Territory. The Commission will transmit such memorandum of this application together with a copy of its decision with reference to your application you make at this time for the enrollment of your wife and three minor children to the Honorable secretary of the Interior, when the final rolls of citizens of the Creek Nation are sent to him for consideration and approval.

-----

E. Hastain having first been duly sworn, upon his oath states that as stenographer to the Commission to the Five Civilized Tribes, he reported in full all proceedings had in the above entitled cause on the 4th day of Sept., 1900, and that the above and foregoing is a full, true and correct transcript of his stenographic notes in said cause.

*E. Hastain*

Subscribed and sworn to before me this 11th day of Sept., 1900 at Muskogee, Indian Territory.

  
 Acting Chairman.

—OFFICE OF—  
JOHN F. BROWN,  
...DEALER IN...

GENERAL & MERCHANDISE.

Sasakwa, D. T.,

This is to Certify, that the following  
family of Seminoles, belonging to what  
was known as Saw Morgan Band at the  
time, were transferred to the Creek  
some time in the year 1898, and  
have not been recognized as Seminole  
Citizens since that time. The names  
of said family are

Facy

Ida

Chick

James Scott.

In testimony whereof I herewith  
attest my Signature at Sasakwa D. T.  
this 24<sup>th</sup> Day August A.D. 1900

John F. Brown  
Ch. Semin. Nation

Department of the Interior.  
Commission to the Five Civilized Tribes.

In the matter of the application of Fulmaray Scott for the enrollment of his wife, Lucy Scott, and his three minor children, Edith, Ella and Yarna Scott, as citizens of the Creek Nation.

STATEMENT OF FACTS.

The evidence in this case shows that Lucy Scott has always been recognized as a citizen of the Seminole Nation, and that up to the year 1898, the names of herself and her three minor children appeared upon the tribal rolls of said Nation. That in that year they attempted to transfer their citizenship to the Creek Nation, but that they have never been recognized by the tribal authorities of the Creek Nation, and that their names do not appear upon any of the authenticated rolls of the Creek Nation.

That they did not apply to this Commission or to the tribal authorities for recognition as citizens of the Creek Nation, under the provisions of the Act of June 10th, 1896. That they have been by this Commission listed for enrollment as citizens of the Seminole Nation, and that their names appear upon Seminole Census Card No. 603.

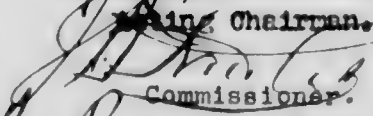
JUDGMENT.

It is, therefore, the opinion of this Commission that Lucy Scott, and her three minor children, Edith, Ella and Yarna Scott, not having been duly and lawfully recognized as citizens of the Creek Nation, and admitted as such, are not entitled to enrollment as citizens of the Creek Nation; and that their names remain listed upon Seminole Card No. 603 for transfer to the final Seminole Roll, and it is so ordered.

Commission to the Five Civilized Tribes.

Dated at Muskogee, I. T., Sept. 13<sup>th</sup>, 1900.

  
Acting Chairman.

  
Commissioner.

  
Commissioner.

C O P Y .

Muskogee, Indian Territory, January 17, 1902.

The Honorable,

The Secretary of the Interior.

Sir:

There is herewith transmitted the record of proceedings in the matter of the application of Tulmaray Scott for the enrollment of his wife Lucy Scott, and his three minor children, Edith, Ella and Yarna, as citizens of the Creek Nation, including the decision of the Commission, dated September 18th, 1900, denying said application.

Respectfully,

T. B. Needles.

Commissioner in Charge.

Through the Commissioner  
of Indian Affairs.

1 enclosure  
Creek-71

COMMISSIONERS:

HENRY L. DAWES,  
TAMM BIXBY,  
THOMAS B. NEEDLES,  
C. R. BRIDGEMAN.

ALLISON L. AYLESWORTH,  
SECRETARY.

DEPARTMENT OF THE INTERIOR,  
COMMISSION TO THE FIVE CIVILIZED TRIBES.

ADDRESS ONLY THE  
COMMISSION TO THE FIVE CIVILIZED TRIBES.

C O P Y .

Muskogee, Indian Territory, September 14, 1900.

Tulmaray Seett, Esq.,

Okfusky, Indian Territory.

Dear Sir:

You will find herewith the decision of the Commission in the matter of your application for the enrollment of your wife, Lucy Seett, and your three minor children, Edith, Ella and Yarna Seett, as citizens of the Creek Nation.

You will note that the Commission finds that they are not entitled to enrollment as citizens of the Creek Nation, but they are entitled to enrollment as citizens of the Seminole Nation.

Respectfully,

Tamm Bixby,

Acting Chairman.

Enc. 39  
Registered letter.



**C O P Y :**  
Muskogee, Indian Territory, January 17, 1902.

A. P. McKelley, Esq.,  
N. G. Reed, Esq.,

Attorneys for the Creek Nation,

Muskogee, Indian Territory.

Gentlemen:

There is herewith enclosed a copy of the decision of the Commission to the Five Civilized Tribes in the matter of the application of Tulmaray Scott for the enrollment of his wife, Lucy Scott and his three minor children, Edith, Ella and Yarna Scott, as citizens of the Creek Nation.

The decision, with a copy of the proceedings had in the case, is this day transmitted to the Secretary of the Interior for his review and decision. The final decision of the Secretary will be made known to you as soon as the Commission is informed of the same.

Yours truly,

T. B. Needles.

Commissioner in Charge.

1 enclosure.  
McK. & R. (19)  
Registered.



(COPY)

Refer in reply to the following:

Land  
4005-1902.

Department of the Interior,  
Office of Indian Affairs,  
Washington, January 23, 1902.

The Honorable

The Secretary of the Interior.

Sir:

On April 2, 1901, the Department approved the roll of the Seminole Nation as prepared by the Commission to the Five Civilized Tribes. The following names and numbers, with descriptive matter, appear on the said roll:

---

No. :	Name.	: Age :	Sex:	Blood.
1886 :	Scott, Lucy	: 35 :	F :	Full
1887 :	Scott, Edith	: 14 :	F :	Full
1888 :	Scott, Ella	: 8 :	F :	Full
1889 :	Scott, Yarna	: 3 :	F :	Full

---

With its letter of January 17, 1902, the Commission forwarded the records in the matter of the application of Tullymasy Scott, for the enrollment of his wife, Lucy Scott, and her three minor children, Edith, Ella and Yarna. The decision in this case was rendered by the Commission September 13, 1900.

It will be noted that these are the same parties as those above mentioned on the Seminole Rolls. It will be further noted that the Commission reported on the Seminole Rolls that the applicants are "full-blood", presumably meaning Seminole full-bloods, and it will be observed that the record trans-

mitted herewith shows that they are Indians of full Creek blood. There may be some doubt as to whether these parties should have been enrolled as members of the Creek or of the Seminole Nations. However, they were enrolled as Seminoles and for all that this office knows may have selected lands for their allotments in the Seminole Nation; at any rate, it appears from the evidence forwarded by the Commission that Tulumasy Scott was notified by registered letter September 14, 1900, that his wife and children would be enrolled as members of the Seminole Nation, and he has made no complaint so far as the office is advised.

The office cannot understand why the record, it forwarded at all, was not forwarded when the Seminole Rolls were transmitted for examination. It certainly can be of no benefit to the office or to the Department at this time, and it is therefore respectfully recommended that the Commission be advised that there is no necessity of forwarding records which pertain only to the completed Seminole Rolls and have no part in the making of the Rolls of the Creek citizens, and it is further recommended that the record in this case be returned to the Commission, and that it be instructed to file the same where it properly belongs with the Seminole records.

Very respectfully,  
Your obedient servant,  
W. A. Jones,  
Commissioner.

WAV  
D

Inclosures.

(COPY)

D.C.No.1500-1902.

6302.

T.P.

Department of the Interior.

Washington.

I.T.D.483-1902.

L.R.S.

January 27, 1902. C.

The Commission to the

Five Civilized Tribes,

Muskogee, Indian Territory.

Gentlemen:

On January 17, 1902, you transmitted the memorandum in the matter of the application of Tulmarsy Scott for the enrollment of his wife, Lucy Scott, and his three minor children, Edith, Ella and Yarna, as citizens of the Creek Nation.

The Commissioner of Indian Affairs, reporting in the matter January 23, 1901, states that the names of these applicants appear as "full bloods" upon the roll of the Seminole Nation prepared by the Commission and approved by the Department April 2, 1901.

Apparently, from statements made in the memorandum, Tulmarsy Scott is a Creek citizen entitled to enrollment in that nation. It is shown that the applicants are Indians of full Creek blood.

You rejected the application September 15, 1900, in accordance with the provisions of the act of May 31, 1900 (31 Stat., 221), because the claimants have never been enrolled or admitted to citizenship in the Creek Nation, and Tulmarsy Scott was no

notified by registered letter, and that his wife and children would be enrolled as members of the Seminole Nation, and he appears to have made no complaint. As they accept Seminole enrollment they cannot be enrolled as Creek citizens.

The Commissioner states that he cannot understand why the "record" was not forwarded when the Seminole rolls was transmitted; that the memorandum cannot be of any benefit to his office or the Department at this time; and he recommends that the Commission be advised that there is no necessity for forwarding records which pertain only to the completed Seminole rolls and have no part in the making of the rolls of the Creek citizens", and that the record in this case be returned to the Commission with instructions to file the same where it properly belongs with the Seminole records.

The Department does not take this view of the matter. The record has only an indirect connection with the Seminole roll.

The question is not whether the applicants were properly enrolled on the Seminole roll, but as to their claim to citizenship in the Creek Nation.

As the act of May 31, 1900, provides that the decision of the Commission in any case will become final when approved by the Department, it was entirely proper for the Commission to submit this case.

For the reasons stated your decision is affirmed, and you will so advise Tulmarsy Scott.

A copy of the Commissioner's letter is inclosed.  
1 inclosure.                      Respectfully, Thos. Ryan, Acting Secretary. EMD.

COMMISSIONERS  
HERRY L. DAWES.  
TAMS BIXBY.  
THOMAS B. NEEDLES.  
C. R. BRECKINRIDGE.

ALLISON L. AYLESWORTH,  
SECRETARY.

DEPARTMENT OF THE INTERIOR.  
COMMISSION TO THE FIVE CIVILIZED TRIBES.

(COPY)

ADDRESS ONLY THE  
COMMISSION TO THE FIVE CIVILIZED TRIBES

Muskogee, Indian Territory, February 4, 1903.

Tulmaray Scott,

Okfusky, Indian Territory.

Dear Sir:

You are hereby advised that the Secretary of the Interior, under date of January 27, 1902, affirmed the decision of the Commission, dated September 13, 1900, denying the application made by you for the enrollment of your wife, Lucy Scott, and children, Edith, Ella and Yarna Scott, as citizens of the Creek Nation.

Yours truly,

Tams Bixby

Acting Chairman.

COMMISSIONERS  
HENRY L. DAWES.  
TAMS BIRBY.  
THOMAS B. NEEDLES.  
C. R. BRECKINRIDGE.

ALLISON L. AYLESWORTH.  
SECRETARY.

DEPARTMENT OF THE INTERIOR.  
COMMISSION TO THE FIVE CIVILIZED TRIBES.

.(COPY)

ADDRESS ONLY THE  
COMMISSION TO THE FIVE CIVILIZED TRIBES

Muskogee, Indian Territory, February 4, 1902.

A. P. McKellop, Esq.,

H. C. Reed, Esq.,

Attorneys for Creek Nation,  
Muskogee, Indian Territory.

Gentlemen:

You are hereby advised that the Secretary of the Interior, under date of January 27, 1902, affirmed the decision of the Commission, dated September 13, 1900, denying the application made by Talmarsy Scott for the enrollment of his wife, Lucy Scott, and children, Edith, Ella and Yarna Scott, as citizens of the Creek Nation.

Yours truly,

Tams Birby

Acting Chairman.

EMPTY



CR EN 73

CR EN 73

Department of the Interior,  
Commission to the Five Civilized Tribes,  
Muskogee, I. T. September, 27th, 1906.

In the matter of the application of W. A. Renty, for the enrollment  
as citizens of the Creek Nation of his minor children,

Roy Bismark Renty,  
Ina Victoria Renty,  
Leopold Augustus Renty,  
and George Washington Lubiture, as citizens of the  
Creek Nation.

W. R. RENTY, being first duly sworn, testified as follows:

Examination by the Commission:

Q. As a citizen of what Nation are you making application application  
for the enrollment of your minor children? A. Creek Nation.

Q. What is your children's names and ages? A.

Roy Bismark-----5 years,  
Ina Victoria-----4 years,  
Leopold Augustus-----3 years,  
George Washington-----7 months.

Q. Have they ever been recognized by the tribal authorities of the  
Creek Nation as citizens of the Creek Nation? A. All those that have  
been reported have.

Q. Have they ever been enrolled by the Creek tribal authorities  
as citizens of the Creek Nation? A. Yes sir they ought to be.

Q. Do their names appear upon the tribal rolls of the Creek Nation?  
A. Yes sir Roy and Ina and I think Leopold.

1890 authenticated rolls of Arkansas town examined  
and the name of none of the applicants found thereon.  
The name of Warrior Rentie McIntosh found on page  
26, Arkansas town.

Q. How does your name appear upon the 1890 roll? A. I presume it  
must be-----it ought to be Warrior Rentie-----might have put it on  
as Warrior Rentie McIntosh, I dont know how it was put on there.

1895 authenticated census roll of the Creek Nation  
Arkansas town examined and the names of the applicants  
not found thereon. The name of W. A. Renty found at  
#34-

Q. Did you draw the \$14.40 for any of these minor children? A.  
Yes sir.

Q. For which ones? A. Roy.

Q. Is that the only one? A. Yes sir, the only one.

Q. Did you draw it in the regular payment?

Q. I dont know whether you would regard it as the regular payment

or not, they had a supplemental payment some time after the regular payment somewhere down here at the Bank, the Treasurer sent me a check for \$14.40.

Q. Did you get it the same time that you got your money? A. No sir. it was after that payment was made out at Okmulgee.

Q. Is this child Roy the only one that was born in time to have been paid this money? A. Yes sir and he was too little to get on the roll before the payment.

Q. Are these children all living? A. Yes sir.

Q. Do they live with you? A. Yes sir.

Q. Where do they live? A. About 2-3 miles north west of town here.

Q. In which Nation? A. Creek Nation.

Q. How long have they lived in the Creek Nation? A. All their lives.

Q. With you? A. Yes sir.

Q. What is the name of their father? A. Warrior Rantle

Q. You are the father of these children are you? A. Yes sir.

Q. Are you a recognized citizen of the Creek Nation? A. Yes sir.

Q. What is the name of the mother of these children? A. Aurella Rantle.

Q. Is she living? A. Yes sir.

Q. Is her name upon any of the rolls of the Creek Nation? A. No sir.

Q. Is she a citizen of any of the Indian Nations in the Indian Territory? A. Yes sir. Said to be.

Q. What? A. Choctaw.

Q. Is her name upon the Choctaw rolls? A. Yes sir. That is what they tell me; I have never seen it.

Q. When you received this check for your son Roy, did you cash it? A. I sold it to Mr. Turner—Clarence Turner—Turner Hardware Co.

Q. Was that the only child that you had that was old enough to draw in the 1895 payment? A. Yes sir.

Q. Is there any additional statement in regard to the application you make for your four minor children, that you desire to make at this time? A. I don't know unless there is something necessary.

By Mr. Hill attorney for applicants—

Q. Is your name on the Dunn roll? A. No sir.

By the Commission—

Q. What did you mean by "being reported" when you said that your children were all recognized those who had been reported? A. I meant reported to the town King—we report them as we think about it when there is no payment going on.

Q. Have all your children been enrolled by the town King? A. I think all but the last one has.

~~XXXXXXXXXXXXXXXXXXXX~~

Q. Would you know the check that you received from the Treasurer of the Creek Nation for Roy Bismark Rantle if you saw it? A. Yes sir

Q. Is that it? (Here witness is handed the purported check)  
A. I don't remember whether that is it or not; that might be it; I am not certain or positive about it..

ATTORNEY FOR APPLICANT ASKS THAT A COPY OF THE AFORESAID CHECK BE COPIED INTO THE RECORD AND MADE A PART THEREOF.

3.

(The following is a true and correct copy of the order above referred to)

\* Ark. Colored

No.103 Pay Gabriel Jamison \$14.40

for 1 persons

1 Roy Bismarck Rentie

.....

E. B. Childres

Treasurer. \*

You will be furnished at a later date with a copy of the decision of the Commission with reference to the application made by you at this time for the enrollment of your four minor children as citizens of the Creek Nation, mailed to you at your proper post office address, at Muskogee, I. T.

Chas. von Weise having been first duly sworn, upon his oath states that as stenographer to the Commission to the Five Civilized Tribes he reported in full all proceedings had in the above entitled cause on the 27th day of September, 1900, and that the above and foregoing is a full, true and correct copy transcript of his stenographic notes, of said proceedings on said date.

Chas von Weise

Subscribed and sworn to before me this the 28 day of Sept 1900.

Guy L. Emerson  
Notary Public.

DEPARTMENT OF THE INTERIOR  
COMMISSION TO THE FIVE CIVILIZED TRIBES.  
Muskogee, Indian Territory, April 18th, 1901.

In the matter of the application of W. A. Rentie for the enrollment of his minor children, Roy Bismark Rentie, Ina Victoria Rentie, Leopold Augustus Rentie and George Washington Lubiture Rentie as citizens of the Creek Nation.

W.A. RENTIE, being duly sworn, testified as follows:

- Q In your testimony taken on September 29, 1900, you stated that you drew the \$14.40 for your minor child Roy Bismark, what is known as the supplemental payment, is that true? A Yes sir.
- Q What name did you give when you had him enrolled on the town roll? A I had Bismark.

1895 Supplemental roll, Omitted and New-born citizens of the Creek Nation examined and the name of Roy Bismark Rentie, "New-born" found thereon at page 19.

- Q Is Roy Bismark still living? A Yes sir.

Lena Cummings having been first duly sworn, upon her oath states that as stenographer to the Commission to the Five Civilized Tribes, she reported in full all proceedings had in the above entitled cause on the 18th day of April, A.D., 1901, and that the above and foregoing is a full, true and correct transcript of her stenographic notes, of said proceedings on said date.

Subscribed and sworn to before me this 26 day of April  
at Muskogee, Indian Territory.

  
Acting Chairman.

DEPARTMENT OF THE INTERIOR  
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application of W. A. Renty for the enrollment of his minor children, Roy Bismark Renty, Ina Victoria Renty, Leopold Augustus Renty and George Washington Lubiture Renty as citizens of the Creek Nation.

D E C I S I O N .

It appears from the record in this case that on September 27, 1900, W. A. Renty appeared before this Commission and made application for the enrollment of his minor children, Roy Bismark Renty, Ina Victoria Renty, Leopold Augustus Renty and George Washington Lubiture Renty as citizens of the Creek Nation; that W. A. Renty is a Creek freedman and a recognized citizen of the Creek Nation.

It also appears from the records of this Commission that Aurella Renty, wife of said W. A. Renty and mother of the children for whom this application is made, is listed for enrollment as a Chickasaw freedman and that the four children above named are also listed for enrollment by this Commission as Chickasaw freedmen and that their names appear on Chickasaw freedman Card No. 1324.

It further appears that said child Roy Bismark Renty has been recognized as a citizen of the Creek Nation and that his name is found upon the authenticated Creek roll dated December 4, 1895, known as the 1895 Omitted Roll but that the children, Ina Victoria Renty, Leopold Augustus Renty and George Washington Lubiture Renty have never been recognized as citizens of the Creek Nation and that their names are not found upon any authenticated roll of said Nation now in the possession of this Commission.

Paragraph 5 of section Twenty-one of the act of June 28, 1898 ( 30 Stats. 495 ), is as follows:

"The roll of Creek freedman made by J. W. Dunn, under authority of the United States, prior to March fourteenth, eighteen hundred and sixty-seven, is hereby confirmed, and said commission is directed to enroll all persons now living whose names are found on said rolls, and all descendants born since the date of said roll to persons whose names are found thereon, with such other persons of African descent as may have been rightfully admitted by the lawful authorities of the Creek Nation."

And paragraph 8 of the said section of said act provides:

"The several tribes may, by agreement, determine the right of persons who for any reason may claim citizenship in two or more tribes, and to allotment of lands and distribution of moneys belonging to each tribe; but if no such agreement be made, then such claimant shall be entitled to such rights in one tribe only, and may elect in which tribe he will take such right; but if he fail or refuse to make such selection in due time, he shall be enrolled in the tribe with whom he has resided, and there be given such allotment and not elsewhere."

The Commission holds that by the word 'descendants', as used in said act, is meant descendants in the female line according to the usages and customs of the tribes to which said act relates; that in the Creek Nation descent is in the female line when the mother is a recognized member of any Indian tribe; that to establish a right to enrollment in the tribe of his father it must be shown that the applicant has been duly and lawfully adopted, enrolled or admitted to citizenship in said tribe; and that



the action of the tribal authorities in adopting, either by special act or by the approval of tribal rolls, certain descendants of a female member of another tribe, who are specifically named in said act or upon said rolls, cannot be construed as an adoption of children then unborn when the mother herself has not been so adopted.

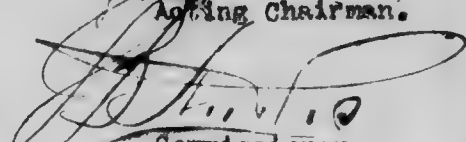
The authority of this Commission to hear and determine original applications for citizenship expired by limitation November 9, 1898, and the authority of the tribal councils and legislatures or legally constituted courts or committees designated by the several tribes to hear and determine such applications expired by limitation October 10, 1898 in accordance with the provisions of the act of Congress approved June 10, 1896 (29 Stats. 321). Paragraph 8 of the act of June 28, 1898 above quoted, did not revive or renew that authority, either in the Commission or in the tribes, and under its provisions those persons only whose names were upon the authenticated rolls of two or more tribes on June 28, 1898, or who had been duly and lawfully adopted, enrolled or admitted as citizens of two or more tribes prior to said date can elect in which of said tribes they will be enrolled and take allotment of lands and distribution of moneys.

It is therefore the opinion of this Commission that said Ray Bismark Renty is a citizen by adoption of the Creek Nation and that he should be enrolled as a citizen of said Nation but that said Ma Victoria Renty, Leopold Augustus Renty and George Washington Lubiture Renty are not citizens of the Creek Nation by birth or adoption and the application for their enrollment as citizens of said nation should be denied and it is so ordered.

The Commission to the Five Civilized Tribes.

Dated at Okmulgee, Indian Territory,  
this the 15th day of May, 1901.

  
Acting Chairman.

  
Commissioner.

  
Commissioner.



(COPY)

Muskogee, Indian Territory, January 17, 1902.

A. P. McKellop, Esq.,

H. Q. Reed, Esq.,

Attorneys for Creek Nation,

Muskogee, Indian Territory.

Gentlemen:

There is herewith enclosed a copy of the decision of the Commission to the Five Civilized Tribes in the matter of the application for the enrollment of Roy Bismark Renty, Ina Victoria Renty, Leopold Augustus Renty and George Washington Lubiturs Renty, as citizens of the Creek Nation.

The decision, with a copy of the proceedings had in the case, is this day transmitted to the Secretary of the Interior for his review and decision. The final decision of the Secretary will be made known to you as soon as the Commission is informed of the same.

Yours truly,

T. B. Needles.

Commissioner in charge.

1 enclosure.  
MAR-73.  
Registered.

(COPY)

Muskogee, Indian Territory, January 17, 1902.

The Honorable,

The Secretary of the Interior.

Sir:

There is herewith transmitted the record of proceedings in the matter of the application of W. A. Renty for the enrollment of Roy Bismark Renty, Ina Victoria Renty, Leopold Augustus Renty and George Washington Lubiture Renty, as citizens of the Creek Nation, including the decision of the Commission, dated May 15, 1901, enrolling said Roy Bismark Renty as a citizen of said nation, and denying the application for the enrollment of Ina Victoria Renty, Leopold Augustus Renty and George Washington Lubiture Renty as citizens of said nation.

Respectfully,

T. B. Needles.

Commissioner in charge.

1 enclosure  
Creek 73.

Through the Commissioner  
of Indian Affairs.

(COPY)

Muskogee, Indian Territory, January 17, 1902.

W. A. Renty,

Muskogee, Indian Territory.

Dear Sir:

There is herewith enclosed a copy of the decision of the Commission to the Five Civilized Tribes in the matter of the application made by you for the enrollment of your children, Roy Bismark Renty, Ina Victoria Renty, Leopold Augustus Renty and George Washington Lubiture Renty, as citizens of the Creek Nation.

The decision, with a copy of the proceedings had in the case, is this day transmitted to the Secretary of the Interior for his review and decision. The final decision of the Secretary will be made known to you as soon as the Commission is informed of the same.

Yours truly,

T. B. Needles.

Commissioner in charge.

1 enclosure  
WAR-73.  
Registered.

(COPY)

Muskogee, Indian Territory, January 17, 1900.

Jesse Hill, Esq.,

Attorney for W. A. Renty,

Muskogee, Indian Territory.

Dear Sir:

There is herewith enclosed a copy of the decision of the Commission to the Five Civilized Tribes in the matter of the application for the enrollment of Roy Bismark Renty, Ina Victoria Renty, Leopold Augustus Renty and George Washington Lubiture Renty, as citizens of the Creek Nation.

The decision, with a copy of the proceedings had in the case, is this day transmitted to the Secretary of the Interior for his review and decision. The final decision of the Secretary will be made known to you as soon as the Commission is informed of the same.

Yours truly,

T.B. Needles.

Commissioner in charge.

1 enclosure  
JH 73.  
Registered.

Refer to file to  
the following:

4500-1000  
8990-1000.

C o p  
DEPARTMENT OF THE INTERIOR,  
Office of Indian Affairs,

WASHINGTON, February 19, 1902.

Reverable

The Secretary of the Interior.

Sir:

I have the honor to transmit herewith a report made January 17, 1902, by the Commission to the Five Civilized Tribes, forwarding the record of proceedings in the matter of the application of W. A. Renty for the enrollment of his minor children, Roy Bismark Renty, Ina Victoria Renty, Leopold Augustus Renty and George Washington Lubiture Renty, as citizens of the Creek Nation.

The Commission reports that W. A. Renty, the father of the children, is a recognized Creek citizen; that their mother, his wife, Aurella Renty, is listed for enrollment as a Chickasaw freedman, and that the children above named are also listed for enrollment by the Commission as Chickasaw freedmen; also that Roy Bismark Renty has been recognized as a citizen of the Creek Nation and that his name appears upon the 1895 authenticated Creek Roll known as the Omitted Roll, but that Ina Victoria, Leopold Augustus and George Washington Lubiture Renty, have never been recognized as citizens of the Creek Nation.

The Commission holds that the word "descendants" means descendants in the female line when both father and mother are recognized citizens of any Indian tribe, so far as the custom in the Creek Nation is concerned, and it is of the opinion that Roy Bismark Renty is a citizen by adoption of the Creek Nation, but that the other applicants are not such citizens by birth or adoption, and it therefore believes that Roy Bismark Renty should be enrolled as a citizen of the Creek Nation and that the other applicants should not be so enrolled.

The office does not agree with the Commission in its construction above mentioned, and attention is also invited to the brief filed in the case by Jesse H. Hill, attorney for the applicants, wherein he suggests that the mother of these applicants is not a recognized member of any Indian tribe, but is a Chickasaw freedman.

It is respectfully recommended that the Commission be instructed to place the names of all of the applicants on the Creek Roll.

Very respectfully,

Your obedient servant,

W. A. JONES,  
Commissioner.

WCV  
D

3 inclosures.

DEPARTMENT OF THE INTERIOR.

WASHINGTON.

I.T.D.1277-1902.

VER.

IES.

November 24, 1902.

The Commission

to the Five Civilized Tribes,

Muskogee, Indian Territory.

Gentlemen:

February 19, 1902, the Commissioner of Indian Affairs transmitted your report of January 17, 1902, submitting the papers in the matter of the application of W. A. Renty for the enrollment of his minor children, Roy Bismark, Ina Victoria, Leopold Augustus and George Washington Lubiture Renty, as citizens of the Creek Nation.

The youngest child, George Washington Lubiture Renty, was seven months old at the time of the taking of the testimony in the case, September 27, 1900.

It appears that W. A. Renty is a recognized citizen of the Creek Nation; that his wife, the mother of said children, has been listed by you for enrollment as a Chickasaw freedman; that said children, except Roy Bismark, have been listed for enrollment as Chickasaw freedmen, and that Roy Bismark has been recognized as a citizen of the Creek Nation and his name appears on the 1895 authenticated roll known as the "Omitted Roll."

You held that Ina Victoria, Leopold Augustus and George Washington Lubiture Renty have never been recognized as citizens



of the Creek Nation, and that, as in your opinion the word "descendants" used in the twenty-first section of the act of June 28, 1898 (30 Stat., 495), means descendants in the female line when both father and mother are recognized citizens of any Indian tribe, so far as the custom in the Creek Nation is concerned, they should not be enrolled; that Roy Bismark Renty should be enrolled as a citizen of the Creek Nation.

The Commissioner gives his reason for not concurring in your views and recommended that you be directed to place the names of all the applicants upon the Creek roll.

In view of the decision of the Department of November 20, 1902, in the case of Lillian and Pearl Lerblance, you are directed to place the names of all the applicants upon the Creek roll. Your decision is accordingly reversed as to Ina Victoria, Leopold Augustus and George Washington Lubiture Renty.

A copy of the Commissioner's letter is inclosed.

Respectfully,

Thos. Ryan.

Acting Secretary:

1 inclosure.

Creek Enrollment  
Case No. 73.

Muskogee, Indian Territory, December 12, 1902.

W. A. Renty,

Muskogee, Indian Territory.

Dear Sir:

You are hereby advised that, in accordance with departmental decision of November 24, 1902, in the matter of the application made by you for the enrollment of your four minor children, Roy Bismark, Ina Victoria, Leopold Augustus and George Washington Lubiture Renty, as citizens of the Creek Nation, the Commission has enrolled your above named children as citizens of said nation.

Respectfully,

*Jane Bixby*

Acting Chairman.

Registered.

COPY

Creek Enrollment  
Case No. 73.

Muskogee, Indian Territory, December 12, 1902.

Jesse Hill, Esq.,

Attorney for W. A. Renty et al.,

Muskogee, Indian Territory.

Dear Sir:

You are hereby advised that, in accordance with departmental decision of November 24, 1902, in the matter of the application made by W. A. Renty for the enrollment of his four minor children, Roy Bismark, Ina Victoria, Leopold Augustus and George Washington Lubiture Renty, as citizens of the Creek Nation, the Commission has enrolled said above named children as citizens of said nation.

Respectfully,

*Jane E. Eddy*

Acting Chairman.

Muskogee, Indian Territory, December 12, 1902.

A. P. McKellop, Esq.,

H. C. Reed, Esq.,

Attorneys for the Creek Nation,

Muskogee, Indian Territory.

Gentlemen:

You are hereby advised that, in accordance with departmental decision of November 24, 1902, in the matter of the application made by W. A. Renty for the enrollment of his four minor children, Roy Bismark, Ina Victoria, Leopold Augustus and George Washington Lubiture Renty, as citizens of the Creek Nation, the Commission has enrolled said above named children as citizens of said nation.

Respectfully,

*James C. Gandy*

Acting Chairman.

C O P Y

Creek Freedmen  
Field No. 1799.

Muskogee, Indian Territory, December 12, 1902.

Chickasaw Enrollment Division,

Commission to the Five Civilized Tribes.

Gentlemen:

You are hereby advised that, in accordance with departmental decision of November 24, 1902, the Commission has regularly enrolled Roy Bismark, Ina Victoria, Leopold Augustus and George Washington Lubiture Renty, as citizens of the Creek Nation, on Creek Freedmen Card, Field No. 1799.

It appears from the records of the Creek Enrollment Division that the father of the above named children, Warrior Renty, is a recognized citizen of the Creek Nation, admitted by Creek National Council in 1867; that the mother of these children is Aurella Renty, a recognized citizen of the Chickasaw Nation, and that her name, together with the names of the above, appear on Chickasaw Freedmen Card, Field No. 1324.

Respectfully,

*J. L. R.*  
Acting Chairman.

COMMISSIONERS  
HENRY L. DAWES.  
TAMM BIXBY.  
THOMAS B. NEEDLES.  
C. R. BRECKINRIDGE.

ALLISON L. AYLESWORTH  
SECRETARY

DEPARTMENT OF THE INTERIOR,  
COMMISSION TO THE FIVE CIVILIZED TRIBES.

REFER IN REPLY TO THE FOLLOWING

19-1324.

Muskogee, Indian Territory, December 20, 1902.

Creek Enrollment Division.

Commission to the Five Civilized Tribes,

Muskogee, Indian Territory.

Gentlemen:

Receipt is hereby acknowledged of your letter of the 12th inst., advising that in accordance with departmental decision of November 24, 1902, the Commission has regularly enrolled Roy Bismark, Ina Victoria, Leopold Augustus and George Washington Lubiture Renty as citizens of the Creek Nation.

You are advised that the information has been filed with the record in this case.

Respectfully,

Acting Chairman.

Ella Centie age 5  
 Bernark " 4  
 Mrs Victoria " 3  
 Leopold Augustus " 3  
 George Washington " 7 mo.

Are they or any of them  
Choctaw Freedmen?

E.H.

Jan. 7th, 1901.

All except George Washington  
 Chickasaw Freedman  
 Card # 1324.

J.O.K.

Enrolled 5-1-01

73.



CR EN 74

CR EN 74

Department of the Interior,  
Commission to the Five Civilized Tribes  
Muskogee, I. T. September, 25th 1900.

In the matter of the application of Elizabeth Johnson for enrollment as a citizen of the Creek Nation.

ELIZABETH JOHNSON being first duly sworn testified as follows:

Examination by the Commission:

- Q. As a citizen of what Nation do you make application for enrollment? A. Creek Nation.
- Q. What is your name? A. Elizabeth Johnson.
- Q. How old are you? A. I don't know my age — about — going on over 50.
- Q. What is your post office address? A. Wewoka, I. T.
- Q. Have you ever been recognized by the Creek authorities as a citizen of the Creek Nation? A. Yes sir.
- Q. Does your name appear upon any of the tribal rolls of the Creek Nation? A. Yes sir.
- Q. Did you draw the \$29.00 payment in 1890 in the Creek Nation? A. My mother drew it, I was here at the time but she drew it.
- Q. Did you draw the \$14.40 payment made by the Creek Nation in 1895? A. Yes sir.
- Q. As a member of what town did you draw this money? A. I am a member of Coweta town.
- Q. How this last payment the the Creek Nation made, \$14.40, just a few years ago, did you draw that money? A. No sir I didn't get that.
- Q. Is your name on any of the rolls of the Creek Nation? A. It ought to be.
- Q. What town? A. Coweta.
- Q. Are you a member of Coweta town in the Creek Nation? A. Yes sir I am, but I guess that they would have me down as a freedman.
- Q. What colored town would you belong to? A. Arkansas.
- Q. Then you belong to Arkansas town? A. Yes sir.

Authenticated 1890 Creek roll examined and the name of Elizabeth Johnson does not appear thereon.

- Q. What are the names of the other members of your family? A. Geody Johnson, that is the only child that I have got.
- Q. Was there any other person enrolled with you in your family besides Geody Johnson? A. No sir.

Authenticated 1895 Creek census roll of Arkansas town examined and the name of Lissie Johnson, together with the names of Geody Johnson and Ciddie Johnson are found thereon, and accompanying said names there is entered there on in lead pencil the name of "Robert Johnson new born"

The 1895 Creek pay roll of Arkansas town examined and the names of Lissie Johnson together with the names of Geody and Ciddie Johnson are found thereon numbered 213, 214 and 215 respectively.

- Q. What was your father's name? A. George Davis.
- Q. Is he living? A. I do not know whether he is or not — he went

to California and I have not heard from him since.

Q. Was he a citizen of any Nation in the Indian Territory? A. No sir.

Q. He was a citizen of the United States? A. Yes sir.

Q. What was your mother's name? A. Sarah Davis.

Q. Is she living? A. No sir she is dead.

Q. Was she a citizen of any Nation in the Indian Territory? A. Yes sir.

Q. What was her citizenship? A. Coweta town, but we was always carried up on the Arkansas town of the Creek Nation.

Q. Does her name appear upon the roll of Creek Freedmen made by Major Dunn just after the war? A. Yes sir.

Q. In what town? A. Arkansas.

Q. Do you know how her name appears on that roll? A. Sarah McIntosh or Sarah Davis.

Q. How many children did she have? A. Two.

Q. What were their names? A. Elizabeth and Julia.

Q. What name did you go by? A. My husbands name Johnson. I was married at that time but we lived with my mother. She taken us the same as though we were her own children.

Q. Well you were her own children were you not? A. Yes sir, but I mean as though we were young and had to live with her.

Q. You were married then at the close of the war? A. Yes sir.

Q. Does your name appear upon the roll of Creek Freedmen made by Major Dunn just after the war? A. Yes sir I was living there then when Major Dunn was Agent and had his office at the old Agency.

Q. At the time time Dunn roll was made did your mother have any other children living with her or under her care? A. Just me.

By Mr. Jackson attorney for applicant—

Q. Were there any children living with her then, not only her own but other children that she was taking care of? A. Yes sir there were some but they were her relatives children.

Q. Did she enroll them? A. I dont know.

Q. Do you remember who the other children were, their names and all about it? A. It has been so long ago I have forgotten.

Q. Can't you remember any of the names? A. Sallie, Martha.

Q. Now what was their other names—their full names? A. I cant remember.

Q. Didn't she have some other children living with her at that time, some boys? A. Oh yes sir there was Henry and Douglas and then Charley and Willie Garrett also, they was my sisters children.

By the Commission:

Q. Did you have any children at the time the Dunn roll was made? A. Yes sir I had one.

Q. What was the name of that child? A. Goody Johnson.

Q. When was he born? A. I dont just remember the date, but it was about the time Lincoln was killed, he was going on one or two years old when the Dunn roll was made.

Q. At the time the Dunn roll was made, did your mother have living with her a child by the name of Jennie? A. Yes sir.

Q. What was her full name? A. I dont know, you are asking me of something that was so long ago.

Q. Is that girl living now? A. No sir, I dont think she is.

Q. When did you see her, or hear of her last? A. It has been quite a while.

Q. What name did she go by then? A. I declare I don't know.

Q. Who was Jennie's mother? A. She was a cousin of mine my mother's.

Q. Were you out of the Indian Territory during the war? A. Yes sir.

Q. Where did you go to? A. The Seminole Nation.

Q. Where was your mother living during the war? A. At the old Agency.

Q. She didn't leave the Creek Nation during the war? A. No sir.

Q. Did you come back to the Creek Nation after the war? A. Yes sir, came back to the old Agency out here.

Q. You said that you came back to the Creek Nation after the war? When was it that you came back? A. Directly after the Honey Springs fight.

Q. Who were you staying there after you returned to the old Agency? A. I was living with my mother.

Q. Was Major Dunn still putting names on the roll at that time? A. Yes sir, when he was Indian Agent.

Q. Were you at the old Agency when they paid out money? A. Yes sir.

Q. How long before they began to pay out the money did you go to the old agency? A. I was there directly after the close of the war. We was at Fort Gibson and moved over there.

Q. Then during the war you were at Fort Gibson with your mother? A. Yes sir.

Q. When was it that you were in the Seminole Nation? A. That was before the war.

Q. And you returned to the Creek Nation with your mother? A. I was returned to the Creek Nation and went to the old Agency where we had lived before the war and after the war was over I came back there.

Q. How long did you stay with your mother in the Creek Nation at the old Agency? A. Two years.

Q. Who was your owner at the time the war broke out? A. I had no owner, I was always a free girl; my mother bought and paid for herself long before the war broke out; she belonged to the McIntoshes. She was Col. McIntosh's house servant.

Q. Were you ever enrolled as a citizen of the Seminole Nation? A. I was out there with my husband and they gave my name in, I guess you would call it being enrolled.

Q. When was the first time that you drew money in the Seminole Nation? A. I cannot tell, after I moved out there.

Q. What was your husband's name? A. Robert Johnson, he was the Interpreter for the Seminole Nation. He belonged to the Seminole Nation, and when he went out there I went with him as I was his wife and a wife has to go where the husband goes.

Q. Then you got on the Seminole roll because you were the wife of Robert Johnson who was a Seminole Indian? A. Yes sir.

Q. You testified a while ago that there was a girl living with your mother at the time the Dunn roll was made, by the name of Jennie, but you did not give her full name, can you now state what her full name is? A. As far as I can remember she never went by her full name, they always called her Jennie Elisabeth; up in the house they called her Jennie sometimes, but she was generally known as Jennie Elisabeth.

The roll of Creek Freedmen made by J. W. Dunn under authority of the United States prior to March 14th 1867, examined and the names of Sarah Davis, Jennie Elisabeth and Douglas Davis; Henry Nat Wigner, Willie Gibson, Charley Garrett and Willie Garrett, were

found thereon, but the names of Elizabeth Johnson, or Davis, and Goody Johnson do not appear thereon.

Q. How long did your name appear on the Seminole roll? A. I don't know how long.

Q. Do you know how long you continued to draw money over in the Seminole Nation? A. Cannot remember just exactly; drew until my husband died. I always considered that I was not a Seminole, and it was owing to him being out there that I was there; I always expressed myself as that I would rather be in my own country. I did not like it out there much.

Q. When did your husband die? A. Died before Christmas some seven years ago.

Q. What steps did you take to have your name put on the Creek roll after your husband died? A. Because I was not satisfied.

Q. That was not the question—what did you do toward having your name put on the Creek roll? A. I applied to the Council that I wanted to come back home.

Q. Did they put your name on the roll by act of Council? A. Yes sir.

Q. In what year? A. I don't remember.

Q. Was it before or after the last payment? A. I think it was before the last payment.

Attorney for applicant here offers in evidence a certificate issued by E. C. Perryman, principal chief of the Creek Nation, dated Nov. 5th 1894, and asks that it be filed and made a part of the record in this case, which is accordingly done and said certificate is marked exhibit "A", identified as such, filed and made a part of the record in this case.

Q. How long after you were adopted or admitted by Council did you receive this certificate from the Chief? A. Quite a while, I can't tell exactly I just left it all to my son Goody Johnson.

Q. Where are you living at the present time? A. In the Creek Nation.

Q. How long have you been living in the Creek Nation? A. It must be five years—I think that during that time I have made four crops

Q. During that time have you been living outside of the Indian Territory? A. No sir.

By Mr. Jackson attorney for the applicants:

Q. Goody drew the \$4.40 in the 1895 payment for you? A. Yes sir, and gave it to me? A. Yes sir.

Q. He tended to all your business? A. Yes sir and does yet.

Q. You never was a witness before were you? A. No sir.

Q. Have you ever been in Court before? A. No sir and don't want to be.

By the Commission:

A copy of the decision of the Commission with reference to your application for enrollment as a citizen of the Creek Nation will be mailed to you at your present



post office address.

Chas. von Weise, having been first duly sworn, upon his oath states that as stenographer to the Commission to the Five Civilized Tribes he reported in full all proceedings had in the above entitled cause on the 25th day of September, 1900, and that the above and foregoing is a full, true and correct transcript of his stenographic notes, of said proceedings on said date.

Chas von Weise

Subscribed and sworn to before me this the 28<sup>th</sup> day of Sept 1900.

Guy L. Emerson  
Notary Public.

**NATIONAL ANNIHILATOR'S OFFICE**

**CHIEF NATION**

**W. A. PALMER, ANNIHILATOR.**

\*\*\*\*\*

Washburn, Ind. Terr., \_\_\_\_\_ 189

Channahow, Ind. Terr., Nov. 5, 1894

This is to certify that the following named persons to-wit:  
Elizabeth, Geedy and Sadie Johnson, citizens of the Seminole Nation,  
but originally Creek citizens, have complied with all the requirements  
of law and have been transferred from the Seminole Nation to the  
Creek Nation and are enrolled with all the rights, privileges and  
immunities of the a citizens of the Creek Nation—

L. C. Perryman.

o:~o:~o:~o:  
o-MAIL-o  
o:~o:~o:~o:

Prin. Chief M. N.

\*\*\*\*\*

I, the undersigned do hereby certify that the above and foregoing  
is a true and correct copy of the original certificate which is  
filed in the case of Elizabeth Johnson for enrollment as a citizen  
of the Creek Nation before the Commission to the Five Civilized  
Tribes, as exhibit "A".

Dated at Muskogee, Indian Territory, this the 23th day of September, 1894

Chas von Wiese

Stenographer to the Commission.



C O P Y .

(A)

Okmulgee, Ind. Ter. Nov. 5th, 1894.

This is to certify that the following named persons to-wit-  
Elizabeth, Coody and Sadie Johnson, citizens of the Seminole Nation,  
but originally Creek citizens, have complied with all the require-  
ments of law and have been transferred from the Seminole nation  
to the Creek Nation, and are enrolled with Arkansas Colored Town and  
are hereby declared to be entitled to all the rights, priveleges  
and immunities of the a citizen of the Creek Nation.

L. C. Perryman

(SEAL.)

Prin. Chief M.N.

DEPARTMENT OF THE INTERIOR  
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application of Elizabeth Johnson  
for enrollment as a citizen of the Creek Nation.

STATEMENT OF FACTS.

It appears from the evidence in this case that on the 25th day of September, 1900, Elizabeth Johnson appeared before the Commission to the five civilized tribes, and made application for enrollment as a citizen of the Creek Nation; it further appears that the father of the said Elizabeth Johnson was a United States citizen and her mother was a Creek freedman, a slave of a Creek Indian from whom she purchased her freedom; that the said Elizabeth Johnson married a Seminole Indian, who caused her name to be placed upon the rolls of the Seminole Nation; that she never considered herself to be a Seminole and always desired to belong to her own country in the Creek Nation where she has resided during the past five years; that the said Elizabeth Johnson is a duly recognized citizen of the Creek Nation; that her name is on the authenticated Arkansas Town tribal roll of the Creek Nation of 1895, and that she has been duly recognized and admitted by the Creek Council as a citizen of the Creek Nation.

JUDGMENT.

It is, therefore, the judgment of this commission that the said Elizabeth Johnson is a citizen of the Creek Nation by adoption, and that said Elizabeth Johnson having been duly identified as the same person whose name appears on the authenticated tribal roll of the Creek Nation of 1895, as aforesaid should be, under the provision of paragraph 8 of section 21 of the Act of Congress of June 28th, 1898, commonly known as the Curtis Bill, duly listed for enrollment as a citizen of the Creek Nation, and it is so ordered.

By the Commission to the Five Civilized Tribes.

Dated at Muskogee, I. T., this 30th  
day of Dec. 1900.

  
Acting Chairman.

  
Commissioner.

  
Commissioner.

C O P Y .

Muskogee, Indian Territory, January 17, 1902

The Honorable,

The Secretary of the Interior.

Sir:

There is herewith transmitted the record of proceedings in the matter of the application of Elizabeth Johnson for enrollment as a citizen of the Creek Nation, including the decision of the Commission, dated December 3, 1900, enrolling said applicant as a citizen of said nation.

Respectfully,

T. B. Needles

Commissioner in Charge.

Through the Commissioner  
of Indian Affairs.

1 enclosure.  
Creek-74.

Refer in reply to the  
following. Land 4549.

DEPARTMENT OF THE INTERIOR.

Office of Indian Affairs.

Washington, Jan. 27, 1902.

The Honorable,

The Secretary of the Interior.

Sir.

I have the honor to transmit herewith a report made on January 17, 1902 by the commission to the five civilized tribes forwarding the record of proceedings in the matter of the application of Elizabeth Johnson for the enrollment of herself as a citizen of the Creek Nation. The commission reports that the father of the applicant was a United States citizen and that her mother was a Creek freedman--a slave of a Creek Indian from whom she purchased her freedom; that she married a Seminole Indian who caused her name to be placed on the rolls of that nation; that she never considered herself to be a Seminole and always desired to belong to the Creek nation where she has resided during the past five years; that she is a duly recognized citizen of the Creek nation; that her name is on the authenticated Arkansas tribal town roll of the Creek nation for 1895; and that she has been duly recognized and admitted by the Creek council as a Creek citizen. The commission is of the opinion that the applicant should be enrolled as a member of the Creek tribe of Indians. This office agrees with the opinion of the commission and respectfully recommends that it be advised that the applicant should be so enrolled.

Very respectfully,  
Your obedient servant,

W.C.V. (S.)

Commissioner.

L. R. S.

D. C. No. 1661.  
6730

F.

DEPARTMENT OF THE INTERIOR.

I.T.D. 594-1902.

Washington, January 28, 1902.

Commission to the Five Civilized Tribes,

Muskogee, I. T.

Gentlemen:

January 27, 1902, the Commissioner of Indian Affairs transmitted the papers in the matter of the application of Elizabeth Johnson for enrollment as a citizen of the Creek Nation, and stated that he agrees with your opinion in the case.

It is stated in your decision of December 3, 1900, that the name of the applicant is duly enrolled as a member of said nation, and that she has been recognized and admitted by the Creek council as such, and that it is your opinion that she should be enrolled as provided by section 21 of the act of June 28, 1898 (30 Stats., 495).

The Department affirms your decision, and you will act accordingly. A copy of the commissioner's letter is enclosed herewith.

Respectfully,

Thos Ryan,  
Acting Secretary,

1 enclosure.

E.M.D.

COMMISSIONERS:

HENRY L. DAWES,  
TAMS BIXBY,  
THOMAS B. NEEDLES,  
C. R. BRICKINRIDGE.

ALLISON L. AYLESWORTH,  
SECRETARY.

DEPARTMENT OF THE INTERIOR,  
COMMISSION TO THE FIVE CIVILIZED TRIBES.

C O P Y .

ADDRESS ONLY THE  
COMMISSION TO THE FIVE CIVILIZED TRIBES.

Muskogee, Indian Territory, December 4, 1900

Elizabeth Johnson,

Wewoka, Indian Territory.

Dear Madam:

You will find herewith a copy of a judgment entered December 3rd, 1900, by the Commission to the Five Civilized Tribes, granting the application for the enrollment of yourself as a citizen of the Creek Nation.

Yours truly,

Tams Bixby,

Acting Chairman.

Encl.  
R. Letter.

C O P Y .

Muskogee, Indian Territory, January 17, 1902.

Messrs. Givens & Jackson,

Attorneys for Elizabeth Johnson,

Muskogee, Indian Territory.

Gentlemen:

There is herewith enclosed a copy of the decision of the Commission to the Five Civilized Tribes in the matter of the application of Elizabeth Johnson for enrollment as a member of the Creek Nation.

The decision, with a copy of the proceedings had in the case, is this day transmitted to the Secretary of the Interior for his review and decision. The final decision of the Secretary will be made known to you as soon as the Commission is informed of the same.

Yours truly,

T. B. Needles.

Commissioner in Charge

1 enclosure.  
G. A. J.  
Registered.



C O P Y .

Muskogee, Indian Territory, January 17, 1902.

A. P. McKelley, Esq.,

W. C. Ridd, Esq.,

Attorneys for the Creek Nation,

Muskogee, Indian Territory.

Gentlemen:

There is herewith enclosed a copy of the decision of the Commission to the Five Civilized Tribes in the matter of the application of Elizabeth Johnson for enrollment as a citizen of the Creek Nation.

The decision, with a copy of the proceedings had in the case, is this day transmitted to the Secretary of the Interior for his review and decision. The final decision of the Secretary will be made known to you as soon as the Commission is informed of the same.

Yours Truly,

T. B. Needles.

Commissioner in Charge.

2 enclosure.  
McK. & R. (20)  
Registered.

(COPY)

25743

DEPARTMENT OF THE INTERIOR  
WASHINGTON.

I.T.D. 5594, 1308  
& 2447-1902.

April 21, 1902.

I.R.S.

Commission to the Five Civilized Tribes,

Muskogee, I. T.

Gentlemen:

January 29, 1902, the Department approved your decision in favor of Elizabeth Johnson upon her application for enrollment as a citizen of the Creek Nation, it appearing, as stated in your decision, that her father was a United States citizen and her mother a Negro, a slave of a Creek Indian, from whom she purchased her freedom; that Elizabeth Johnson married a Seminole Indian who caused her name to be placed upon the rolls of the Seminole Nation; that she never considered herself to be a Seminole and always desired to belong to her own country in the Creek Nation where she has resided during the past five years; that she is a duly recognized citizen of the Creek Nation, and her name is on the authenticated Arkansas Town tribal roll of said nation of 1895; that she has been duly recognized and admitted by the Creek Council as a citizen of the Creek Nation.

A certificated issued in 1894 by the Principal Chief of the nation is produced, in which it is stated that Elizabeth

Cooley (now Johnson) had been transferred from the Seminole Nation to the Creek Nation and enrolled with Arkansas Colored Town, and is "hereby declared to be entitled to all the rights, privileges and immunities" of a citizen of the Creek Nation.

At the request of the Department you returned its decision on February 11, 1908, in order that attorneys of the nation might have an opportunity to file argument, which they have done.

They contend that as the claimant is a colored person, to establish her right to citizenship in the Creek Nation, it must be shown that it is by virtue of the treaty of 1866 (14 Stat., 785), and that the evidence does not show that she is so entitled. They admit that her name is on the authenticated roll of 1896, but claim that that is not conclusive evidence that she is entitled to enrollment, and that she does not show adoption by the Creek Council, the courts, or any legally constituted tribunal of the nation, and they contend that the conclusion must be that her enrollment was procured by fraud or without authority of law. They also refer to section 297 of the Creek law of 1889, which provides that "All persons who have heretofore applied for citizenship in the "Cherokee, Choctaw, Chickasaw or Seminole Nation, and accompanied his application with a declaration of right to citizenship "in such Nation, by blood or adoption, is hereby declared an "alien, and shall not be entitled to citizenship in the Muscogee Nation, nor to the privileges thereof."

-3-

While your Commission is authorized by the act of June 28, 1898 (30 Stat., 495), to eliminate from the tribal rolls of said nation such persons as may have been placed thereon by fraud or without authority of law, and to enroll those "having lawful rights thereto," fraud under the circumstances in this case cannot be presumed. The mere supposition of the attorneys that there may have been fraud is hardly sufficient to warrant the rejection of the application. On the contrary, it must be concluded that the claimant has lawful rights by virtue of her enrollment in 1895.

There is nothing in the testimony to show that the claimant drew \$188 in the Cherokee Nation and that she had been enrolled as a citizen of that nation, as alleged by the attorneys.

The Department finds no reason to disturb its former decision, herewith returned, which, in connection herewith, you will promulgate.

Respectfully,

THOS. RYAN.

Acting Secretary.

KMD.

1 inclosure.

COPY

Muskogee, Ind. Ter., May 1, 1902.

Elizabeth Johnson,

Wewoka, Ind. Ter.

Gentlemen:

You are hereby advised, in the matter of your application for enrollment as a citizen of the Creek Nation, that the Secretary of the Interior, under date of January 29, 1902, affirmed the decision of the Commission, dated December 3, 1900, enrolling you as a citizen of said nation.

At the request of the Department, its decision was returned February 11, 1902, in order that the attorneys for the Creek Nation might have further opportunity to be heard.

The Department, under date of April 21, 1902, returned to the Commission its decision herein, with the statement that after full consideration of the facts presented and arguments of the counsel, it finds no reason to disturb said decision.

Yours truly,

T. B. HENDLES.

Commissioner in Charge.

Creek-74.

OCH.

(COPY)

Muskogee, Ind. Ter., May 1, 1902.

Messrs. Givens & Jackson,

Attorneys for Elizabeth Johnson,

Muskogee, Ind. Ter.

Gentlemen:

You are hereby advised that, in the matter of the application of Elizabeth Johnson for enrollment as a citizen of the Creek Nation, the Secretary of the Interior, under date of January 29, 1902, affirmed the decision of the Commission, dated December 3, 1900, enrolling said Elizabeth Johnson.

At the request of the Department, its decision was returned February 11, 1902, in order that the attorneys for the Creek Nation might have further opportunity to be heard.

The Department, under date of April 21, 1902, returned to the Commission its decision herein, with the statement that after full consideration of the facts presented and arguments of the counsel, it finds no reason to disturb said decision.

Yours truly,

T. B. HENDRICKS.

Commissioner in Charge.

Creek-74.

OCH.

(COPY)

Muskogee, Ind. Ter., May 1, 1902.

A. P. McElley, Esq.,

H. C. Reed, Esq.,

Attorneys for the Creek Nation,  
Muskogee, Ind. Ter.

Gentlemen:

You are hereby advised that, in the matter of the application of Elizabeth Johnson for enrollment as a citizen of the Creek Nation, the Secretary of the Interior, under date of January 29, 1902, affirmed the decision of the Commission, dated December 1, 1900, enrolling said Elizabeth Johnson.

At the request of the Department, its decision was returned February 11, 1902, in order that the attorneys for the Creek Nation might have further opportunity to be heard.

The Department, under date of April 21, 1902, returned to the Commission its decision herein, with the statement that after full consideration of the facts presented and arguments of the counsel, it finds no reason to disturb said decision.

Yours truly,

T. B. WHEELER.

Commissioner in Charge.

Creek-74.

OCH.



COMMISSIONERS:

HENRY L. DAWES.  
TAMS BIXBY,  
THOMAS B. NEEDLES,  
C. R. BRECKINRIDGE

ALLISON L. AYLESWORTH,  
SECRETARY

DEPARTMENT OF THE INTERIOR,

COMMISSION TO THE FIVE CIVILIZED TRIBES.

ADDRESS ONLY THE  
COMMISSION TO THE FIVE CIVILIZED TRIBES

Muskogee, Indian Territory, FEB 1 1902 1902.

Received on this date from the Commission to the Five  
Civilized Tribes a copy of the record of proceedings in the matter  
of the application of Elizabeth Johnson for enrollment as a  
citizen of the Creek Nation.

A. P. M. Keeney

Attorney for Creek Nation.

Creek No. 74.

CR EN 75

CR EN 75

Department of the Interior,  
Commission to the Five Civilized Tribes.  
Muskegee, I. T. September, 25th 1900.

In the matter of the application of James Goody Johnson for the enrollment of himself and his minor children, Robert Johnson and Julius Johnson as citizens of the Creek Nation.

Goody Johnson being duly sworn testified as follows:

Q. Examination by the Commission:

Q. KKK As a citizen of what Nation are you making application for the enrollment of your self and your minor children? A. The Creek Nation.

Q. What is your name? A. James Goody Johnson.

Q. How old are you? A. 36-

Q. What is your post office address? A. Nowaka, I. T.

Q. Have you ever been recognized by the tribal authorities of the Creek Nation as a citizen of the Creek Nation? A. I have, yes sir.

Q. Have you ever been enrolled by the Creek tribal authorities as a citizen of the Creek Nation? A. Yes sir.

Q. Does your name appear upon any of the tribal rolls of the Creek Nation? A. Yes sir.

Q. As a member of what town in the Creek Nation? A. Arkansas colored town.

The 1890 authenticated Creek roll examined and the name of James Goody Johnson is not found thereon.

Authenticated 1895 Creek census roll of Arkansas town examined and the name of Goody Johnson appears thereon together with the names of Lizzie Johnson and Ciddie Johnson, and accompanying said names there is entered thereon in lead pencil the name "Robert Johnson new born."

The 1895 Creek pay roll of Arkansas town examined and the name of Goody Johnson appears thereon #214, together with the names of Lizzie Johnson and Ciddie Johnson, numbered respectively 213 and 215.

Q. What was your father's name? A. Robert Johnson.

Q. Was he a citizen of any Indian Nation? A. Seminoles.

Q. Is he living? A. No sir he is dead.

Q. To what band in the Seminole Nation did he belong? A. Simon Brown's Band.

Q. Is he a citizen of the Seminole Nation by blood or by adoption? A. By adoption.

Q. Who was his owner if you know? A. He was sold by Col. Jumper to the Missionaries. He undertook to work out his freedom— it seems there was a kind of mortgage on him and he undertook to work it out; he was held by a man named Foster—

Q. At the time of the War what was his owners name? A. John Jumper held the mortgage on him

Q. What is your mothers name? A. Elizabeth Johnson

Q. Is she living? A. Yes sir.

Q. Is she a citizen of any Indian Nation? A. Yes sir.

Q. Citizen of what Nation, if you know? A. She is recognized as a

citizen of the Creek Nation.

Q. Have you ever been enrolled as a citizen of any other Nation besides the Creek Nation? A. I have.

Q. Of what Nation? A. Seminole.

Q. Does your name still appear upon the Seminole roll as a citizen of that Nation? A. It does not sir.

Q. When was your name taken from the Seminole rolls? A. In the fall of 1894.

Here attorneys for applicant introduce certificate of John F. Brown Principal Chief of the Seminole Nation dated December, 6th 1899, and also affidavit of A. J. Brown, Treasurer of the Seminole Nation and Keeper of the Records of said Nation; the same being marked exhibits "E" & "G", identified as such, filed and made a part of the records in this case.

From this certificate of John F. Brown, Chief of the Seminole Nation it appears that you were transferred to the Creek Nation several years ago; state what steps you took, if any, to have your name placed on the Creek roll? A. In the Fall of 1894 I made application to the Creek Council then in session for enrollment as a Creek citizen, and I made application for Elisabeth Johnson my mother and a child of mine by the name of Sidney. Upon making this application to the Council they replied that my name and the name of the others was on the Seminole rolls and that I would have to make application to the Seminole authorities and get their permission to have our names taken off the Seminole rolls, and I went out to the Seminole Nation and there in Council which was then in session also I got permission to be transferred from the Seminole rolls to the Creek rolls and I presented it to the Creek Council which was still in session and they admitted us, and upon the admission of Goody Johnson, Elisabeth and Sidney Johnson, the Principal Chief of the Creek Nation issued a certificate showing that we were recognized citizens and regularly admitted to citizenship in the Creek Nation.

Q. Where is that certificate if you know? A. It is here and was presented by my lawyer in the case of Elisabeth Johnson in her application for enrollment as a citizen of the Creek Nation, to day.

Q. The certificate referred to is dated December, 5th 1894, is that the date your names were placed on the Creek rolls? A. Yes sir.

Q. Did you draw the \$14.40 in the payment of 1895 in the Creek Nation? A. I did, yes sir.

Q. Did you draw money for any one besides yourself? A. Yes sir.

Q. State for whom? A. I drew for my mother Elisabeth Johnson and Giddie Johnson and afterwards for Robert Johnson, my son, and then for myself.

Q. You make application for the enrollment of your son Robert? A. Yes sir for Robert Johnson.

Q. How old is he? A. As near as I can recollect Robert ought to be about 9 years old, somewhere in that neighborhood.

Q. Is he now living? A. Yes sir.

Q. What is the name of his Mother? A. Ada Hersha.

Q. Is she living? A. Yes sir.

Q. Is she a citizen of any Indian Nation? A. No sir, she is not.

Q. When were you married to her? A. I don't remember the date, some time in 1888 or 1889; the certificate of our marriage will show it but I have not got it with me here.

Q. Where were you married? A. Here at Muskogee.

Q. By whom? A. Rev Sam Solomon.

Q. Did you obtain a license to marry Ada Hersha? A. No sir.

Q. Were the United States Courts established in the Indian Territory

At that time? A. Yes sir I think there was a United States Court here, but I don't think it had the same amount of jurisdiction, and I don't think it had jurisdiction over marriage of Greeks to non-citizens then yet.

Q. Are you living with this Ada Hersha at this time? A. I am not.

Q. Are you divorced from her? A. Yes sir.

Q. Under what laws? A. Greek laws.

Q. Have you a decree of divorce issued by the Greek courts? A. I have.

Q. Do you desire to file it in evidence at this time? A. I haven't it with me.

Q. Has Robert Johnson been recognized by the tribal authorities as a citizen of the Greek Nation? A. Yes sir.

Q. Does his name appear upon any of the Greek Rolls? A. Yes sir.

Q. In what year? A. In 1895.

Q. Was that the first time that it appeared on the roll? A. Yes sir.

Q. Why did the name of Robert fail to appear in the certificate issued to you by the Principal Chief of the Greek Nation? A. The way that ~~name~~ came was like this: Chief Perryman was sick or something and could not write the certificate and got Mr. Charles Smith to write it for him, and told me to give the names of all who applicants and I did so, and through some reason or other the name of Robert Johnson was overlooked, and when the payment came off he was not allowed to draw at the regular payment as Judge Moore said that he could not draw as he was not on the regular roll, and his name was put on the supplemental roll of omitted citizens, and the Council appropriated \$14.40 to pay him, and I drew that for him.

Q. Robert was not born at that time the 1890 roll was made?

A. No sir, he was born after that.

Q. At the time that you made application for enrollment as a citizen of the Greek Nation, did you make application for this son Robert?

A. Yes sir—I will take this back, I am not certain that I gave his name in to the Greek Council or not; at that time they held that where the father was a citizen and had children by a non-citizen woman that the child took the citizenship of the father and it is quite likely that for that reason I did not include his name in our application.

Q. Who drew the money for the boy Robert in the \$14.40 payment? A. I did sir.

Q. Was it paid to you? A. Yes sir. Bennie Nivens gave it to me

Here attorney for applicant ~~name~~ offers in evidence the following ~~evidence~~ from the Treasurer of the Greek Nation, which is in words and figures, to-wit:

" Ark Colored

No. 94 Pay Ben Nivens \$14.40

for 1 persons

1 Robt Johnson :

:  
:  
:  
:

E. B. Childres

Treasurer. 14

The same is marked Exhibit "B", identified as such, filed and made a part of the record in this case.

- Q. Is this the identical order that Bennie Nivens delivered to you at that time? A. It is yes sir.
- Q. What did you do with this order after receiving it? A. My recollection is that I took it to some store, either to Severs or Parkinson, they were both buying them at that time.
- Q. Did they cash the order for you? A. Yes sir.
- Q. Do you know whether or not, of your own knowledge, the Creek Nation ever paid any money on this order? A. I don't, no sir.
- Q. Do you know whether or not all payments made on the 1895 omitted roll of the Creek Nation were made in the same manner? A. No sir I do not.
- Q. You also make application for enrollment of your son Julius Johnson as a citizen of the Creek Nation; does his name appear upon any of the authenticated rolls of the Creek Nation? A. I am not positive of that, I think it does in Mary Simons family.
- Q. On what roll? A. The 1895 roll.
- Q. How old is Julius? A. Julius must be 13.
- Q. Did you draw money for Julius in the 1895 payment? A. No sir I did not.
- Q. Who did, if anyone? A. I cannot state positively, I don't remember whether the town officer, Bennie Nivens, drew it or some one else.
- Q. Who was Julius living with at that time? A. With his mother, she was married to Simons at that time.
- Q. Who was the mother of Julius? A. Mariah Sandridge, that was her maiden name.
- Q. Were you ever married to her? A. No sir.
- Q. Was she a citizen of the Creek Nation? A. Citizen of the United States I guess.
- Q. Did you ever live with her as husband and wife? A. Yes sir, we lived together a little while, and the reason that we did not live together longer was because her folks kicked up so about it that she went back to them. I had been cohabiting with the woman some for a period of two or three years.
- Q. But had never been recognised as man and wife? A. No sir.
- Q. Is Robert living with you? A. No sir he lives with his mother and goes to school; I support him.

#### sensus

Authenticated roll of the Creek Nation for 1895, and the 1895 pay roll both of ~~Arkansas~~ town of the Creek Nation have been examined and the name of Julius Johnson cannot be found thereon.

By Mr. Jackson attorney for the applicants:

- Q. You live in the Creek Nation? A. Yes sir.
- Q. How long have you lived there? A. 13 years.
- Q. Do you own a farm and improvements in the Creek Nation? A. Yes sir, I have 110 acres in a farm.

By the Commission:

- Q. Have you lived in the Creek Nation continuously for the last three years? A. I have sir.

A copy of the decision of the Commission with reference to the application made by you for enrollment of your-



Subscribed and sworn to before me this 28th day of Sept 1890

Chas. W. Neal

Subscribed and sworn to before me this the 28th day of Sept 1890

Guy L. Emerson  
Notary Public



DEPARTMENT OF THE INTERIOR  
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application of James Coody Johnson for the enrollment of himself and his minor children Robert Johnson and Julius Johnson as citizens of the Creek Nation.

DECISION.

It appears from the record in this case that on September 25, 1900, James Coody Johnson appeared before this Commission at Muskogee, Indian Territory and made application for the enrollment of himself and his minor children Robert and Julius Johnson as citizens of the Creek Nation, claiming to be a Creek freedman.

It also appears that the said James Coody Johnson had been a recognized citizen of the Seminole Nation and in 1894 secured the transfer of his name from the Seminole roll to the Creek roll. That said transfer was duly recognized by the tribal authorities of the Creek Nation and certified to by the Principal Chief of each of the said Nations; that his name appears upon the authenticated Creek census roll of Arkansas Town for the year 1895.

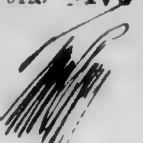
It further appears that the applicant Robert Johnson is the legitimate son of James Coody and Ada Johnson; that his name appears upon the authenticated Creek roll dated December 4, 1895, known as the Omitted Pay Roll. That the applicant, Julius Johnson is not the legitimate child of the applicant James Coody Johnson and has never been recognized as a citizen of the Creek Nation by the tribal authorities of the Creek Nation and not named upon any of the tribal rolls of the said Nation in the possession of this Commission.

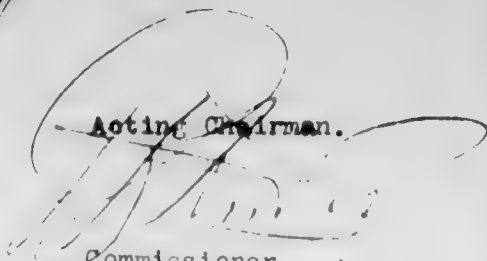
It is therefore the opinion of this Commission that the applicants, James Coody Johnson and his son Robert Johnson should be enrolled as citizens of the Creek Nation in accordance with the provisions of the act of Congress approved June 28, 1898, (30 Stats. 495) and that the application for the enrollment of the said Julius Johnson should be denied and it is so ordered.

The Commission to the Five Civilized Tribes.

Dated at Okmulgee, Indian Territory,

This the 10th day of May, 1901.

  
Acting Chairman.

  
Commissioner.

  
Commissioner.

(COPY)

In the matter of the application of James Goody Johnson and children, an application for citizenship before the Commission to the Five Civilized Tribes.

Samuel Solomon, being duly sworn states that he is a regular ordained Minister of the Gospel, of the Missionary Baptist Church, and was on August 19th. 1889.

On August 19th. 1889, he performed a marriage ceremony between James Goody Johnson and Ada B. Hershey in Muskegee, Creek Nation, Indian Territory. James Goody Johnson is the same man who makes application to your Honorable Commission for citizenship of himself and minor children.

Ada B. Hershey, was at that time married to James Goody Johnson, and is the mother of his minor child Robert Johnson, her present name being Ada Johnson.

(Signed) Rev. Samuel Solomon.

Subscribed and sworn to before me on this 25 day of Sept 1900.

Geo. H. Williams.

Notary Public.

(SEAL)

(COPY)

DISTRICT JUDGE'S OFFICE  
WEWOKA DISTRICT, M.N.

(SEAL)

Wewoka, I. T., Feb. 16th 1894.

W. Dist Court

This certify that J. C. Johnson a citizen of the M. Nation and a resident of W. Dist do this day appear before me in open court and under evidence and testimony - I do this day grant to said J. C. Johnson a divorce from the bonds of matrimony with Ada Johnson.

They each and both of them shall here after be considered as not parties to each other and shall be known as not being man and wife. Said divorce is granted upon application of the aggrieved party as required by the laws of the Muscogee Nation and based upon willful desertion for the period of one year. Given under my hand and seal of Wewoka Dist Court this day the 16th day of February A.D. 1894.

Hon. Theo. Yaholer

Judge of W. Dist  
M.N.

Joseph Yaholer  
Dist Clerk.

I, the undersigned, do hereby certify that the above and foregoing is a true and correct copy of the original filed in the case of Goody Johnson for enrollment of himself and his minor children before the Commission to the Five Civilized Tribes, numbered 120, and identified as exhibit "G".

A. J. Brown.

Subscribed and sworn to before me this 21st day of Sept. 1909.

C. L. Long

(SEAL)

Notary Public..

I, the undersigned do hereby certify that the above and foregoing is a true and correct copy of the original filed in the case of Goody Johnson for enrollment of himself and his minor children before the Commission to the Five Civilized Tribes, numbered 120, and identified as exhibit "G".

Dated at Muskogee, Indian Territory, September, 25th 1909.

Chas. von Wurst

stenographer to the Commission  
to the Five Civilized Tribes.

• NATIONAL ANTI-SLAVERY OFFICE

CHAS. W. WISE

W. A. PALMER, ANTI-SLAVER.

\*\*\*\*\*

Enrollment, Ind. Terr., \_\_\_\_\_ 100

Chandlers, Ind. Terr., Nov. 3, 1894

This is to certify that the following named persons to-wit: Elizabeth, widow and Sadie Johnson, citizens of the Seminole Nation, but originally Creek citizens, have complied with all the requirements of law and have been transferred from the Seminole Nation to the Creek Nation and are enrolled with Arkansas Colored Town and are hereby declared to be entitled to all the rights, privileges and immunities of the a citizens of the Creek Nation—

L. G. Ferryman.

o/o/o/o/o/  
- SEAL -  
o/o/o/o/o/

Prin. Chief M. N.

\*\*\*\*\*

I, the undersigned do hereby certify that the above and foregoing is a true and correct copy of the original certificate which is filed in the case of Elizabeth Johnson for enrollment as a citizen of the Creek Nation before the Commission to the Five Civilized Tribes, as exhibit "A".

Dated at Muskogee, Indian Territory, this the 28th day of September, 1894

Chas W Wise

stenographer to the Commission.

L

EXECUTIVE OFFICE,

SEMINOLE NATION-

Saskwa, I. T., December 5th 1900.

Hon. Fane Sixty  
Actg. Chairman  
Bawen Commission.

Dear Sir,

This certifies to the fact that Mrs Elizabeth Johnson and her son J. C. Johnson, former citizens of this Seminole Nation were duly transferred to the Creeks several years ago and have not been carried on the rolls of this Nation since said transfer. Mrs. Johnson was formerly a Creek citizen and by the transfer named above was simply returned to the Nation to which she and her son J. C. Johnson properly belong.

Very respectfully,

(ENCL)

John F. Brown

Chf. Seml. Nation.  
I. T.

\*\*\*\*\*

I, the undersigned do hereby certify that the above and foregoing is a full, true and correct copy of the original certificate which  
1  
is filed in this case, identified as exhibit "B"

Dated at Muskogee Indian Territory, this the 25th day of Sept. 1900

Chas von Weise

Stenographer to the Commission to the  
Five Civilized Tribes.

DEPARTMENT OF THE INTERIOR,  
COMMISSION TO THE FIVE CIVILIZED TRIBES,  
MUSKOGEE LAND OFFICE? Feb. 20, 1900.

In the Matter of the Application :  
of Coody Johnson for Enrollment :  
as a citizen of the Creek Nation. :  
----- :

Thomas J. Adams, being first duly sworn, testified as follows:

By Col. Needles:

- Q What is your name? A Thomas J. Adams.  
Q How old are you? A About 62 years.  
Q You were formerly Judge of the Supreme Court in the Creek Nation?  
A I was but now I am not; I am representative in the house of  
kings from Kechopartka town.; I was supreme chief justice.  
Q Do you know Coody Johnson? A Yes sir.  
Q Please state what you know about Coody Johnson? A His grandmoth-  
er is Big Sarah; she was a Creek citizen, and she was grand-  
mother of Buz Hawkins as well as of Johnson.  
Q Who was Johnson's mother? A Big Sarah's daughter. I don't know  
her name.  
Q And she was a Creek? A Yes sir.  
Q Where did she live? A She used to live at the old agency at  
that time; there was another citizen of this nation named Robt.  
Johnson, father of Coody, and he was a Creek himself; belonged to  
a man by the name of Foster, uncle of Sam Calahan.  
Q What do you know about his mother being a Seminole?  
A After the '66 treaty he had to go to Washington to interpret  
for the Seminoles--his father; he went with the Seminoles to  
make the treaty; he wrung himself to be a Seminole at that time,  
but come to right down truth, he is a Creek.  
Q His father was a Creek? A Yes.  
Q And his mother too? A Yes.

Department of the Interior.

Commission to the Five Civilized Tribes.

I hereby certify, upon my official oath as  
stenographer to above named Commission, that this  
transcript is a true, full and correct translation of  
my stenographic notes.

..... R. B. ....



COPY

DISTRICT JUDGE'S OFFICE,  
WEWOKA DISTRICT. M. N.

(SEAL)

Wetumka, I . T. Feb. 16th 1894

W. Dist Court

This certify that J. C. Johnson a citizen of the M.Nation and a resident of W. Dist do this day appear before me in open court and under evidence and testimony - I do this day grant to said J. C. Johnson a divorce from the bonds of matrimony with Ada Johnson

They each and both of them shall here after be considered as not parties to each other and shall be known as not being man and wife. Said divorce is granted upon application of the agrieved party as required by the laws of the Muscogee Nation and based upon willful desertion for the period of one year. Given under my hand and seal of Wewoka Dist Court this day the 16th day of Febuary A. D. 1894

Hon. Thos. Yaholer

Judge of W.Dist  
M.N.

Joseph Yaholer  
Dist Clerk.

.COPY

In the matter of the application of James Coody Johnson and children, on application for citizenship before the Commission to the Five Civilized Tribes.

Samuel Soloman, being duly sworn states that he is a regular ordained Minister of the Gospel, of the Missionary Baptist Church, and was on August 19th. 1889.

On August 19th. 1889, he performed a marriage ceremony between James Coody Johnson and Ada B. Hershey in Muskogee, Creek Nation, Indian Territory. James Coody Johnson is the same man who makes application to your Honorable Commission for citizenship of himself and minor children.

Ada. B. Hershey, was at that time married to James Coody Johnson, and is the mother of his minor child Robert Johnson, her present name being Ada Johnson.

(Signed) Rev. Samuel Solomon.

Subscribed and sworn to before me on this 25 day of Sept 1900.

Geo. H. Williams

Notary Public.

(SEAL

COMMISSIONERS:

HENRY L. DAWES,  
TAMM BIXBY,  
THOMAS B. NEEDLES,  
C. R. BRECKINRIDGE

ALLISON L. AYLESWORTH,  
SECRETARY

DEPARTMENT OF THE INTERIOR,

COMMISSION TO THE FIVE CIVILIZED TRIBES.

ADDRESS ONLY THE  
COMMISSION TO THE FIVE CIVILIZED TRIBES

Muskogee, Indian Territory, Nov. 1912, 1902.

Received on this date from the Commission to the Five Civilized Tribes a copy of the record of proceedings in the matter of the application of James Goody Johnson et al. for enrollment as citizens of the Creek Nation.

A. T. M. Keefe

Attorney for Creek Nation.

Creek No. 75.

C O P Y .

Muskogee, Indian Territory, January 18, 1902.

The Honorable,

The Secretary of the Interior.

Sir:

There is herewith transmitted the record of proceedings in the matter of the application of James Coedy Johnson for the enrollment of himself and his two minor children Robert Johnson and Julius Johnson as citizens of the Creek Nation, including the decision of the Commission, dated May 10th, 1901, enrolling said applicants James Coedy Johnson and his son Robert Johnson, and denying the application of said Julius Johnson for enrollment as a citizen of said Creek Nation.

Respectfully,

T. B. Needles.

Commissioner in Charge.

Through the Commissioner  
of Indian Affairs.

1 enclosure.  
Creek-75.

C O P Y .

Muskogee, Indian Territory, January 16, 1902.

James Geedy Johnson,

Wewaka, Indian Territory.

Dear Sir:

There is herewith transmitted a copy of the decision of the Commission to the Five Civilized Tribes in the matter of the application made by you for the enrollment of yourself and your two minor children Robert and Julius Johnson as citizens of the Creek Nation.

The decision, with a copy of the proceedings had in the case, is this day transmitted to the Secretary of the Interior for his review and decision. The final decision of the Secretary will be made known to you as soon as the Commission is informed of the same.

Yours truly,

T. B. Needles.

Commissioner in Charge.

1 enclosure.  
J.C.J.  
Registered.

C O P Y .

Muskogee, Indian Territory, January 18, 1908

Messrs Givens & Jackson,

Attorneys for James Geedy Johnson et al,

Muskogee, Indian Territory.

Gentlemen:

There is herewith transmitted a copy of the decision of the Commission to the Five Civilized Tribes in the matter of the application of James Geedy Johnson for the enrollment of himself and his two minor children, Robert Johnson and Julius Johnson, as citizens of the Creek Nation.

The decision, with a copy of the proceedings had in the case, is this day transmitted to the Secretary of the Interior for his review and decision. The final decision of the Secretary will be made known to you as soon as the Commission is informed of the same.

Yours truly,

T. B. Needles.

Commissioner in Charge.

1 enclosure.  
G. & J. (S)  
Registered.

C O P Y .

Muskogee, Indian Territory, January 18, 1902.

A. F. McKellop, Esq.,

W. C. Reed, Esq.,

Attorneys for the Creek Nation,

Muskogee, Indian Territory.

Gentlemen:

There is herewith enclosed a copy of the decision of the Commission to the Five Civilized Tribes in the matter of the application of James Coady Johnson et al, for enrollment as citizens of the Creek Nation.

The decision, with a copy of the proceedings had in the case, is this day transmitted to the Secretary of the Interior for his review and decision. The final decision of the Secretary will be made known to you as soon as the Commission is informed of the same.

Yours truly,

T. B. Needles.

Commissioner in Charge.

1 enclosure.

Msk. A R. (21)  
Registered.



(COPY)

Land.  
4549-1902

February 19, 1902.

The Honorable

The Secretary of the Interior.

Sir:

I have the honor to transmit herewith a report made January 18, 1902, by the Commission to the Five Civilized Tribes, forwarding the record of proceedings in the matter of the application of James Coody Johnson for the enrollment of himself and his minor children, Robert Johnson and Julius Johnson, as citizens of the Creek Nation.

The Commission reports that James Coody Johnson had formerly been recognized as a citizen of the Seminole Nation, and in 1894 secured the transfer of his name from the Seminole to the Creek Roll, such transfer being recognized and certified to by the Principal Chief of each of said nations; that his name appears upon the authenticated Creek Census roll of Arkansas Town for the year 1895, and that it further appears that Robert Johnson is the legitimate son of James Coody and Ada Johnson; that his name appears on the authenticated Creek roll dated December 4, 1895, known as the Omitted Pay Roll; that Julius Johnson is the illegitimate child of James Coody Johnson; has never been recognized as a citizen of the Creek Nation by the tribal authorities thereof and his name is not carried on any of the tribal rolls in the possession of the Commission. It is the opinion of the Commission that James Coody Johnson and his son Robert Johnson should be enrolled as citizens of the

Creek Nation, but that Julius Johnson should not be enrolled.

The office agrees with the Commission that James Coody Johnson and his son Robert Johnson should be enrolled as members of the Creek tribe of Indians, and respectfully recommends that its opinion as to those persons be approved.

As to Julius Johnson it is observed that he is 13 years of age; that he has never been admitted to citizenship in the Creek Nation and that he was in being prior to the date of his father's admission to that Nation. It seems therefore, that the Commission is correct in declining to place his name on the Creek Roll. It is further observed that at the date of his birth his father was a member of the Seminole Nation. His mother having been a citizen of the United States, it is quite possible that Julius Johnson was entitled to the rights of Seminole citizenship and that his name should have been placed on the Seminole Roll. An examination of that roll shows that he does not appear thereon, and as to him it is respectfully recommended that the Commission be requested to inquire into his status, and to determine whether or not he is entitled to Seminole citizenship. The office believes that the fact that Julius Johnson is an illegitimate child is not of itself sufficient to prevent his enrollment.

In this connection the office desires to state that it is just in receipt of Department letter of February 14, 1902, (ITD-1022), forwarding to the Commission to the Five Civilized Tribes its opinion in the matter of the application of Delilah McMullen for the enrollment of herself and her minor child, Hermon L. McMullen, as citizens of the Creek Nation. In the letter to the

Commission it is stated that the Department does not consider that it is warranted in adding any name to the Seminole Roll of any person whose claim to citizenship was not presented to the Commission or the Department prior to the approval of the roll.

It is true that the name of Julius Johnson was not submitted to the Commission as an applicant for Seminole citizenship prior to the approval of the roll, but it was submitted to the Commission on September 25, 1900, and if the office is correct in its conclusions, the evidence then submitted was sufficient to justify the Commission in examining and determining whether he was entitled to enrollment as a Seminole.

Very respectfully,

Your obedient servant,

W.A.JONES.

Commissioner.

WCV  
D

3 inclosures.

(COPY)

12559

L.R.S.

I.T.D.1280-1902.

F.

Department of the Interior.

Washington.

February 26, 1902.

Commission to the Five Civilized Tribes,

Muskogee, I.T.

Gentlemen:

The Department has considered the matter of the application of James Coody Johnson for the enrollment of himself and his minor children, Robert Johnson and Julius Johnson, as citizens of the Creek Nation, case No. 75.

It appears that James Coody Johnson has been a recognized citizen of the Seminole Nation, and in 1894 secured the transfer of his name from the Seminole roll to the Creek roll; that said transfer was duly recognized by the tribal authorities of the Creek Nation and certified to by the principal chief of each of said nations; that his name appears on the authenticated Creek census roll of Arkansas Town for the year 1895; that the applicant Robert Johnson is the legitimate son of James Coody and Ada Johnson; that his name appears on the authenticated Creek roll of December 4, 1895, known as the Omitted Pay Roll; that the applicant Julius Johnson is not the legitimate child of the applicant James Coody Johnson, and has never been recognized as a citizen of the Creek Nation by the tribal authorities of the nation, and that his name does not appear on any of the tribal rolls of the nation in your possession.

You held that James Coody Johnson and his son Robert should be enrolled as citizens of the Creek Nation, but rejected the application for enrollment of Julius Johnson.

The Commissioner of Indian Affairs reporting in the matter February 19, 1902, concurs in your conclusions as to James Goody Johnson and his son, Robert, but states that as to Julius Johnson, while he should not be admitted to the Creek roll, as at the date of his birth his father was a member of the Seminole Nation, his mother having been a citizen of the United States, it is quite possible that he is entitled to the rights of Seminole citizenship, and that his name should have been placed on the Seminole roll approved by the Department April 2, 1901, under the provisions of the act of June 28, 1898 (30 Stat., 495), and it is recommended that you be requested to inquire into his status and to determine whether or not he is entitled to Seminole citizenship.

The Department having stated in its decision of February 14, 1902, in the case of Delilah McMullen, that it did not consider that it was warranted in adding any name to the Seminole roll of any person whose claim to citizenship was not presented to the Commission or to the Department prior to the approval of the roll, the Commissioner calls attention to the fact that while the name of Julius Johnson was not submitted to the Commission as an applicant for Seminole citizenship prior to the approval of the roll, it was submitted on September 25, 1900, in the present case, and he concludes that the evidence thus submitted is sufficient to justify the Commission in examining and determining whether he was entitled to enrollment as a Seminole.

In this the Department does not concur. While passing over any question as to the effect of the illegitimacy of Julius

Johnson, it does not consider that it has any authority to direct you to add any name to the approved roll in the manner proposed. Your decision as to all the applicants is affirmed. A copy of the Commissioner's letter is inclosed.

Respectfully,

THOS. RYAN.  
Acting Secretary.  
EMD.

1 inclosure.

COMMISSIONERS  
HENRY L. DAWES.  
TAMM BIXBY.  
THOMAS B. NEEDLES.  
C. R. BRECKINRIDGE.

ALLISON L. AYLESWORTH.  
SECRETARY

DEPARTMENT OF THE INTERIOR.  
COMMISSION TO THE FIVE CIVILIZED TRIBES.

(COPY)

REFER IN REPLY TO THE FOLLOWING

ADDRESS ONLY THE  
COMMISSION TO THE FIVE CIVILIZED TRIBES

Muskogee, Ind.Ter., April 4, 1902.

James Goody Johnson,

Wewaka, Ind.Ter.

Dear Sir:

You are hereby advised that the Secretary of the Interior, under date of February 26, 1902, affirmed the decision of the Commission, dated May 10, 1901, enrolling yourself and minor child, Robert Johnson, and denying the application made by you for the enrollment of your minor son, Julius Johnson, as citizens of the Creek Nation.

Yours truly,

C. R. BRECKINRIDGE.  
Commissioner in Charge.

Creek-75.



COMMISSIONERS  
HENRY L. DAWES.  
TAMM BIXBY.  
THOMAS B. NEEDLES.  
C. R. BRECKINRIDGE.

ALLISON L. AYLESWORTH.  
SECRETARY

DEPARTMENT OF THE INTERIOR.  
COMMISSION TO THE FIVE CIVILIZED TRIBES.

(COPY)

REFER IN REPLY TO THE FOLLOWING

ADDRESS ONLY THE  
COMMISSION TO THE FIVE CIVILIZED TRIBES

Muskogee, Ind.Ter., April 4, 1902.

Messrs. Givens & Jackson,

Attorneys for James Geedy Johnson et al,

Muskogee, Indian Territory.

Gentlemen:

You are hereby advised that the Secretary of the Interior, under date of February 26, 1902, affirmed the decision of the Commission, dated May 10, 1901, enrolling James Geedy Johnson, and his son, Robert Johnson, and denying the application of said James Geedy Johnson for the enrollment of his child, Julia Johnson, as citizens of the Creek Nation.

Yours truly,

C. R. BRECKINRIDGE.  
Commissioner in Charge.

Creek-75.

OCH.

COMMISSIONERS  
HENRY L. DAWES.  
TAMM BIXBY.  
THOMAS B. NEEDLES.  
C. R. BRECKINRIDGE.

ALLISON L. AYLESWORTH.  
SECRETARY

DEPARTMENT OF THE INTERIOR.  
COMMISSION TO THE FIVE CIVILIZED TRIBES.

(COPY)

REFER IN REPLY TO THE FOLLOWING

ADDRESS ONLY THE  
COMMISSION TO THE FIVE CIVILIZED TRIBES

Muskogee, Ind.Ter., April 4, 1902.

A. P. McKellop, Esq.,

H. C. Reed, Esq.,

Attorneys for the Creek Nation,

Muskogee, Indian Territory.

Gentlemen:

You are hereby advised that the Secretary of the Interior, under date of February 26, 1902, affirmed the decision of the Commission, dated May 10, 1901, enrolling James Goody Johnson, and his son, Robert Johnson, and denying the application of said James Goody Johnson for the enrollment of his child, <sup>W</sup>Julias Johnson, as citizens of the Creek Nation.

Yours truly,

C. R. BRECKINRIDGE  
Commissioner in Charge.

Creek-73.

OCH.

Refer in reply to the following:

Land.

4549-1902.

C O P Y.

# Department of the Interior,

OFFICE OF INDIAN AFFAIRS,

WASHINGTON, February 19, 1902.

The Honorable

The Secretary of the Interior.

Sir:

I have the honor to transmit herewith a report made January 18, 1902, by the Commission to the Five Civilized Tribes, forwarding the record of proceedings in the matter of the application of James Coody Johnson for the enrollment of himself and his minor children, Robert Johnson and Julius Johnson, as citizens of the Creek Nation.

The Commission reports that James Coody Johnson had formerly been recognized as a citizen of the Seminole Nation, and in 1894 secured the transfer of his name from the Seminole to the Creek Roll, such transfer being recognized and certified to by the Principal Chief of each of said nations; that his name appears upon the authenticated Creek Census roll of Arkansas Town for the year 1896, and that it further appears that Robert Johnson is the legitimate son of James Coody and Ada Johnson; that his name appears on the authenticated Creek roll dated December 4, 1896, known as the Omitted Pay Roll; that Julius Johnson is the illegitimate child of James Coody Johnson; has never been recognized as a citizen of the Creek Nation by the tribal authorities thereof and his name is not

carried on any of the tribal rolls in the possession of the Commission. It is the opinion of the Commission that James Coody Johnson and his son Robert Johnson should be enrolled as citizens of the Creek Nation, but that Julius Johnson should not be so enrolled.

The office agrees with the Commission that James Coody Johnson and his son Robert Johnson should be enrolled as members of the Creek tribe of Indians, and respectfully recommends that its opinion as to these persons be approved.

As to Julius Johnson it is observed that he is 13 years of age; that he has never been admitted to citizenship in the Creek Nation and that he was in being prior to the date of his father's admission to that Nation. It seems therefore, that the Commission is correct in declining to place his name on the Creek Roll. It is further observed that at the date of his birth his father was a member of the Seminole Nation. His mother having been a citizen of the United States, it is quite possible that Julius Johnson was entitled to the rights of Seminole citizenship and that his name should have been placed on the Seminole Roll. An examination of that roll shows that he does not appear thereon, and as to him it is respectfully recommended that the Commission be requested to inquire into his status, and to determine whether or not he is entitled to Seminole citizenship. The office believes that the mere

fact that Julius Johnson is an illegitimate child is not of itself sufficient to prevent his enrollment.

In this connection the office desires to state that it is just in receipt of Department letter of February 14, 1902, (ITD-1022), forwarding to the Commission to the Five Civilized Tribes its opinion in the matter of the application of Delilah McMullen for the enrollment of herself and her minor child, Herman L. McMullen, as citizens of the Creek Nation. In the letter to the Commission it is stated that the Department does not consider that it is warranted in adding any name to the Seminole Roll of any person whose claim to citizenship was not presented to the Commission or the Department prior to the approval of the roll.

It is true that the name of Julius Johnson was not submitted to the Commission as an applicant for Seminole citizenship prior to the approval of the roll, but it was submitted to the Commission on September 25, 1900, and if the office is correct in its conclusions, the evidence then submitted was sufficient to justify the Commission in examining and determining whether he was entitled to enrollment as a Seminole.

Very respectfully,

Your obedient servant,

W. A. JONES.

WCV  
D

Commissioner.

3 inclosures.

Cr.Mn.75

Muskogee, Indian Territory, July 28, 1906.

The Honorable,

The Secretary of the Interior.

Sir:

The Department under date of February 26, 1902 (I.T.D.1280-1902), affirmed the decision of the Commission to the Five Civilized Tribes, dated May 10, 1901, granting the application for the enrollment of James Geedy Johnson, and his son, Robert Johnson, as citizens of the Creek Nation, and denying the application for the enrollment of Julius Johnson, as a citizen of said nation.

There is herewith inclosed motion to reopen and review said case, in so far as it relates to the application for the enrollment of said Julius Johnson, said motion being filed with this office June 25, 1906.

I am of the opinion that the statements set forth in said motion as grounds for reopening are not

-2-

warranted by the facts in the case as shown by the evidence, and by the records in the possession of this office, and I respectfully recommend that said motion to reopen and review be denied.

Respectfully,

Through the  
Commissioner of Indian Affairs.

Commissioner.

LM-28



JSJr.  
LLB

DEPARTMENT OF THE INTERIOR,  
WASHINGTON.

I.T.D. 23858-1906.  
D.C. 54759-1906.

December 12, 1906.

LRS

Commissioner to the Five Civilized Tribes,  
Muskogee, Indian Territory.

Sir:

On November 23, 1906 (Land 65722), the Indian Office transmitted your report dated July 28, 1906, in the matter of a motion to reopen the application for the enrollment of James Coody Johnson et al. as citizens of the Creek Nation, in so far as it relates to the enrollment of Julius Johnson.

On February 26, 1902, the Department affirmed the decision of the Commission to the Five Civilized Tribes in this case, granting the application for the enrollment of James Coody Johnson and his son, Robert Johnson, and denying the application for the enrollment of Julius Johnson.

The record shows that James Coody Johnson was transferred from the rolls of the Seminole to the rolls of the Creek Nation; that prior to said transfer and while he was still a member of the Seminole Nation, one Mariah Sandridge, a citizen of the United States, bore him a child, Julius Johnson. The name of this illegitimate child does not appear upon any of the rolls of the Creek Nation, and the rolls of the Seminole Nation having been

closed it was held that said Julius Johnson was not entitled to enrollment.

You recommended that said motion be denied.

The Indian Office concurs in your recommendation. A copy of its letter is inclosed.

No specific error having been alleged in said motion, and the Department finding no error in its decision, the motion is hereby denied.

The papers are returned for the files of the Indian Office.

Respectfully,

(Signed) Jesse E. Wilson,

Assistant Secretary.

Through the Commissioner  
of Indian Affairs.

1 inc. and 3 to Ind. Of.

Gr. No. 78.

Muskogee, Indian Territory, December 23, 1906.

M. L. Mott,  
Attorney for the Creek Nation,  
Muskogee, Indian Territory.

Dear Sir:

You are advised that the Department under date of December 12, 1906 denied motion to reopen filed with this office in the matter of the application for the enrollment of James Goody Johnson et al. as citizens of the Creek Nation, in so far as the same relates to the enrollment of Julius Johnson.

Respectfully,

Acting Commissioner.

Cr. No. 78.

Muskogee, Indian Territory, December 22, 1906.

James Goody Johnson,

Wewoka, Indian Territory.

Dear Sir:

You are hereby advised that the Department under date of December 12, 1906 denied motion to reopen filed with this office in the matter of the application for the enrollment of James Goody Johnson et al. as citizens of the Creek Nation, in so far as the same relates to the enrollment of Julius Johnson.

Respectfully,

Acting Commissioner.

Gr.En.73.

Muskogee, Indian Territory, December 22, 1906.

E. Hastain,

Attorney at Law,

Muskogee, Indian Territory.

Dear Sir:

You are advised that the Department under date of December 12, 1906 denied motion to reopen filed with this office in the matter of the application for the enrollment of James Goody Johnson et al. as citizens of the Creek Nation, in so far as the same relates to the enrollment of Julius Johnson.

Respectfully,

Acting Commissioner.

DEPARTMENT OF THE INTERIOR,  
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for enrollment of Julius Johnson,  
Comes now the applicant in the above entitled cause and moves

that the above entitled cause be reopened and reviewed, for the  
following reasons to-wit:

First: Because said applicant is enrolled upon the tribal  
rolls of the Creek Nation and is already entitled to enrollment.

Second: Because at the time the decision was rendered in the  
above entitled cause no precedent had been established; but that  
since said decision all applicants having the same status of this  
applicant have been enrolled.

Wherefore, applicant prays that the above entitled cause be  
re-opened and reviewed and that this applicant be enrolled.

---

Attorney for applicant.

Service of a copy of the foregoing motion accepted this \_\_\_\_\_ day  
of June, 1906.

---

Attorney for Creek Nation.

CR EN 76

CR EN 76



(Copy)

DEPARTMENT OF THE INTERIOR  
COMMISSION TO THE FIVE CIVILIZED TRIBES.  
FORT GIBSON, I. T. AUGUST 27, 1900.

In the matter of the application of Lizzie M. Miller for the enrollment of herself and four children as Cherokee<sup>s</sup> by blood; being sworn and examined by Commissioner Needles, she testified as follows:

- Q What is your name? A Lizzie M. Miller.
- Q What is your age? A 35.
- Q What is your post office address? A Wagoner.
- Q Are you a recognized citizen of the Cherokee Nation? A Yes, sir.
- Q By blood? A Yes, sir.
- Q What degree of blood do you claim? A  $1/4$ .
- Q What district do you live in? A I live in Wagoner.
- Q How long have you lived there? A 12 years.
- Q How long have you lived in the Cherokee Nation? A I never did live there only when I went to school.
- Q Always lived in the Creek Nation? A Ever since I had a home of my own, I went to school in the Cherokee Nation.
- Q Where were you born? A In the Cherokee Nation.
- Q For whom do you apply for enrollment? A Myself and four children.
- Q What is your father's name? A Charley Stinson.
- Q Is he living? A He is Cherokee and Creek both, that is why I stay in the Creek Nation.
- Q What is your mother's name? A Her name was Augusta Rogers.
- Q Is she living? A No, sir.
- Q Was she a Cherokee citizen? A Yes, sir.
- Q What is the name of your children? A Odus Beck, 14 years old; Beck was my first husband's name.
- Q What is the name of your other children? A Gerty Beck, 10 years old.
- Q What is the name of the next one? A Otto Beck, 8 years old.
- Q What is the name of the next one? A Fannie Beck, 6 years old.
- Q What is the name of the next? A That is all.
- Q Are these children alive and living with you? A Yes, sir.
- Q What was your first husband's name? A Leonard Beck.
- Q He living? A Yes, sir.
- Q Have you and him separated? A Yes, sir.
- Q Your second husband is named Frank Miller? A Yes, sir.
- Q He is living? A Yes, sir.
- (On 1880 roll, page 27, No. 84, Lizabeth Stinson, Orphan Roll, Saline District.)
- Q What district were you in in 1896? A I don't know whether we were enrolled in 1896, we enrolled for the strip payment, we enrolled in Cooweescoowee district for the strip payment.
- Q When did you marry him? A In 1881.
- Q You lived in the Creek Nation in 1896? A Yes, sir.
- Q Was your mother a Creek? A My mother was a Cherokee and my father was a Creek.
- Q Your name was Beck in 1894, was it? A Yes, sir, my name has been Beck ever since 1894 till last summer.
- Q Where did you draw this money? A Col. Harris sent me a check for it at Muskogee; you see when we enrolled I enrolled in the name of Beck and young Mayes scratched us off and then they made a special payment and we got it afterwards.
- Q Are these children your children? A My own children.
- Q They don't appear to be upon any roll? A They were right on the roll with me when I got strip money for I got it for four of them.

Lizzie M. Miller. 3.

Q You say you got it afterwards and consequently your name doesn't appear on any of the rolls and you will have to prove the birth of these children; how old were you when you were taken out of the Cherokee Nation? A I was 16.

Q You must have lived here till you were 16? A Of course I lived with my mother.

The name of Lizzie M. Miller appears upon the authenticated roll of 1880 as Elizabeth Stinson. She avers that since that she married Leonard Beck in 1881, and by Leonard Beck has four children, Odus, Gerty, Otto and Fannie, whose names do not appear upon any of the rolls of the Cherokee Nation now in possession of this Commission; neither does the name of Lizzie Beck appear upon any roll except the authenticated roll of 1880. She avers that she resides in the Creek Nation and has resided there for the last 12 years. She never had any residence in the Cherokee Nation at the age of 16; she moved out of the Cherokee Nation. Satisfactory proof not being made as to her residence and her name appearing only upon the roll of 1880 and the names of her children not appearing upon any roll, final judgment as to her application for citizenship in the Cherokee Nation will be suspended and the names of herself and her children will be placed upon a doubtful card. It will be necessary for her to make satisfactory proof of the birth of the children for whom she applies.

Bruce C. Jones, being duly sworn, says that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the proceedings and testimony in the above case, and the foregoing is a true and complete transcript of his stenographic notes thereof.

(Signed)

Bruce C. Jones.

Subscribed and sworn to before me this the 4th day of September, 1900.

(Signed)

T. B. Needles,  
Commissioner.

Department of the Interior,  
Commission to the Five Civilized Tribes,  
Muskogee, I. T. September, 17th 1900.

In the matter of the application of Lizzie M. Beck, for herself and for her minor children, Odus, Gurtie, Otto and Fannie Beck for enrollment as citizens of the Creek Nation.  
Lizzie M. Beck, being duly sworn testified as follows--

By the Commission.

- Q. In what Nation do you now make application for enrollment of yourself and four minor children as citizens? A. In the Creek Nation.  
Q. What is your name? A. Lizzie M. Beck.  
Q. What is your age? A. 35 years old.  
Q. What is your post office address? A. Wagoner, I. T.  
Q. Have you ever been recognized by the tribal authorities of the Creek Nation as a citizen of the Creek Nation? A. Yes sir.  
Q. Have you ever been recognized and enrolled by the Creek tribal authorities as a citizen of the Creek Nation? A. Yes sir.  
Q. Does your name appear on the tribal rolls of the Creek Nation? A. I suppose so, we drew money with them; I never saw it on there but then we drew money.

Authenticated tribal rolls of the Creek Nation, Coweta town for the year 1890 examined and the name of Lizzie Beck found thereon on page 54.

Also authenticated tribal rolls of the Creek Nation for the year 1895, Coweta town, examined and the name of Lizzie Beck not found thereon.

- Q. Were you ever enrolled by the Colbert citizenship Commission? A. I guess we were, they gave us a certificate.  
Q. Have you that certificate with you? A. No sir, Mr. Beck has it. They gave orders for them to enroll us on the rolls of Coweta town.

The record of the Creek Citizenship Commission, Book #3- examined at page 106 and judgment there found admitting Lizzie Beck as a citizen of the Creek Nation.

- Q. You also make application for enrollment of your four minor children, Odus, Gurtie, Otto and Fannie Beck as citizens by blood of the Creek Nation? A. Yes sir.  
Q. How old is Odus? A. 14 years old.  
Q. How old is Gurtie? A. She is ten.  
Q. How old is Otto? A. Ten.  
Q. And how old is Fannie? A. Six.  
Q. Have these four minor children of yours been recognized by the tribal authorities of the Creek Nation as citizens of the Creek Nation? A. Yes sir.  
Q. Have they been enrolled by the Creek tribal authorities as citizens of the Creek Nation? A. Two of them have; I guess they all have. Colbert Commission enrolled them. I have two children that is dead enrolled in 1890; these two may never have been enrolled by the Colbert Commission.  
Q. Do their names appear on the tribal rolls of the Creek Nation? A. Yes sir, I think they do.

Lizzie M. Beck #3.

Authenticated tribal rolls of the Creek Nation, Coweta town for the year 1899 examined and the names of Odus Beck and Gertrude Beck found thereon at page 84.

Q. How many children did you have living in 1899? A. 4.  
Q. What were their names? A. May, Odus, Ora and Gurtie.  
Q. Did you draw the \$14.40? A. No sir we didn't get that.  
Q. Why didn't you draw in that payment? A. When they enrolled I was sick and we told the town chief to enroll us and he neglected to do so, and we didn't get the money when the payment was made; we asked the town chief to enroll us but he failed to do it and they told us they didn't pay any who had been left off the roll.

Authenticated tribal rolls of the Creek Nation for the year 1895 Coweta town examined and the names of Odus, Gurtie, Otto and Fannie Beck not found thereon.

Q. Were you ever enrolled by the Creek Citizenship Committee? A. Colbert Commission?  
Q. Yes sir. A. Think not, think it just ordered us enrolled.

Record of the Creek Citizenship Commission Book #3- examined and Judgment found therein at page 106, admitting Odus, Gerty, Otto and Fannie Beck as citizens of the Creek Nation.

Q. You are a recognized citizen of the Cherokee Nation are you not?  
A. No sir I suppose not, they couldn't find my name on the roll since 1880; it appears on the 1880 roll; I have not lived in the Cherokee Nation for over eighteen years.  
Q. Under what name were you entered in the Cherokee rolls in 1880?  
A. Lizzie M. Stinson.

Authenticated rolls of the Cherokee Nation of Orphans for the year 1880 examined and the name of Elizabeth Stinson found thereon.

Q. Are any of your children enrolled as citizens of the Cherokee Nation? A. I cannot tell you, I was over there to see the Commission where they was enrolling and they couldnot find our names.  
Q. Did you draw the Strip payment money? A. Yes sir.  
Q. For whom did you draw this money? A. I drewed for myself, Odus, Gertie and Otto; the two dead ones were dead then, and the baby ought to get here but they wouldn't give her any.  
Q. Did you draw ~~any~~ in any of the other payments of the Cherokee Nation A. Yes sir, in 1880.  
Q. Did you ever draw for any of your children except in 1894? A. Not that I remember; seems to me we got some "grass money", don't know what year. Made it a point to get all the money I could from both sides.  
Q. Are you a Cherokee citizen by blood? A. I am a Cherokee by blood, my mother was a Cherokee and my father was a Creek.  
Q. Are you advised that the Act of Congress approved June 28th 1898, commonly known as the "Gurtis Bill", contains the following provision: "The several tribes may by agreement determine the right of persons, who for any reason, may claim citizenship in two or more tribes, and to allotment of lands and the inheritance of money



Lizzie M. Beck, Jr.

belonging to each tribe; but, if no such agreement be made then such claimant shall be entitled to said right in one tribe only, and may elect in which tribe he will take such right. In

A. Yes sir.

Q. Where do you live? A. Wagoner, I. T.

Q. Do you make your residence there? A. My home is there.

Q. How long have you lived there? A. Three years this coming December.

Q. Where did you live prior to that? A. Across the River, six miles north of Choska.

Q. In what Nation is that? A. Creek.

Q. How long did you live there? A. 2 or 3 years.

Q. Have your four minor children resided with you all that time?

A. Yes sir, since these two that died there has been two come since, I have had four with me all the time.

Q. What is your father's name? A. Charles Stinson.

Q. Is he now living? A. No sir, been dead ever since 1886.

Q. During his life time was he a citizen of the Creek Nation? A.

Q. What is the name of your mother? A. Augusta Stinson, maiden name is Rogers.

Q. Is she living? A. Dead.

Q. During her life time what citizenship did she claim? A. She claimed Cherokee citizenship; she lived at Inola, and had a place in the Cherokee Nation and I had me a place across the line in the Creek Nation; I lived with her but we both had places of our own.

Q. To what town in the Creek Nation did your father belong? A. Coweta.

Q. Is your husband now living? A. Yes sir.

Q. Is he the father of these children for whom you make this application? A. Yes sir.

Q. What is his citizenship? A. I don't know; white man is all I know.

Q. Your husband has never made any claim to citizenship in any of the Five Nations of the Indian Territory? A. Never made application that I know of.

Q. Are all these minor children for whom you make application now living? A. Yes sir, every one living.

Q. Have you resided outside of the Indian Territory in the past three years? A. No sir, never was outside of the Territory in my life.

Q. What proportion of Creek blood do you claim for yourself? A. About 1/8, I am a 1/4 Indian of Creek and Cherokee both.

Q. What proportion for your children? A. 1/16 Creek.

Q. You claim the same amount of Cherokee blood do you? A. Yes sir.

Q. Is there any additional statement in regard to your application for yourself and your four minor children that you desire to make at this time? A. No sir, I have no statement to make only I have been living in the Creek Nation for 15 years and have been recognized as a Creek by blood by the town of Coweta and the Council, and have been in peaceable possession of our place until this filing came up.

You will be furnished at a later date with a copy of the decision of the Commission with reference to the application made by you at this time for the enrollment of yourself and your four minor children, Odus, Gurtie, Otto and Fannie Beck, as citizens of the Creek Nation by blood which will be mailed to you at your present post office address, Wagoner, I. T.

The Commission will transmit such memoranda of this application as has been taken at this time, together with a copy of its decision in regard to your application for

Lizzie M. Beck, Ad.

enrollment of yourself and four minor children to the Honorable Secretary of the Interior, when the final rolls of citizens of the Creek Nation are sent to him for his consideration and approval.

Chas. von Weiss, having been first duly sworn, upon his oath states that as stenographer to the Commission to the Five Civilized Tribes, he reported in full all proceedings had in the above entitled cause on the 17th day of September, 1900, and that the above and foregoing is a full, true and correct transcript of his stenographic notes, of said proceedings on said date.

Chas von Weiss

Subscribed and sworn to before me this 16 day of July, 1901.

C. R. Purcell

Acting Chairman.

Commissioner

Department of the Interior,  
Commission to the Five Civilized Tribes,  
Muskogee, I. T. February, 19th 1901.

Supplemental testimony taken in the matter of the application of  
Lizzie M. Miller, "D" Card #198. She being first duly sworn before  
Commissioner T. B. Needles, testified as follows:-

Q What is your name? A. Lizzie M. Miller.  
Q What is your age? A. Thirty-five.  
Q What is your post office address? A. Wagoner, I. T.  
Q Are you the identical Lizzie M. Miller who applied for enrollment  
before the Dawes Commission at Fort Gibson on the 27th of August, 1900?  
A I didn't know that I was making application for enrollment.  
Q Are you the same woman that was there? A. I am the same woman that  
was there.

EXAMINATION CONTINUED BY ATTORNEY \_\_\_\_\_ CLAYTON ( for applicant )

Q Mrs. Miller, are you Creek or Cherokee, if you are both, state how  
much of each blood you have? A. I am both Creek and Cherokee, my  
father was part Cherokee and part Creek and my mother was Cherokee; I  
am a little over a quarter Indian.  
Q Where have you resided since you were of age? A. In the Creek Nation.  
Q Have you taken your selections of land in the Creek or Cherokee  
Nation? A. In the Creek.  
Q Where do you reside now? A. In the Creek Nation.  
Q Do you now want to take your allotment in the Creek or Cherokee  
Nation? A. In the Creek Nation.  
Q How many children have you? A. Four.  
Q Give their names. A. Odus Beck, Curtie Beck, Otto Beck and Fannie  
Beck.  
Q Which Nation do they live in? A. Creek.  
Q Have they ever lived in the Cherokee Nation? A. No sir.  
Q And you now desire to renounce your rights in the Cherokee Nation  
and take your rights in the Creek Nation? A. Yes sir.  
Q Do these children reside with you? A. The little girls do, the boys  
stay with their papa.  
Q Who is the papa of these children? A. Leonard G. Beck.  
Q Where does he live now? A. At Coweta in the Creek Nation.

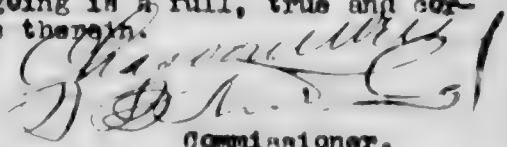
EXAMINATION CONTINUED BY THE COMMISSIONER:

Q Is he the father of all these children? A. Yes sir.  
Q Is he a citizen of the Creek Nation? A. No sir a non-citizen.  
Q Have I understood you to say that you elect to take your citizenship  
in the Creek Nation and renounce all rights which you may have in the  
Cherokee Nation? A. Yes sir.

.....

Chas. von Weise, being sworn states that as stenographer to the Com-  
mission to the Five Civilized Tribes he reported in full all the pro-  
ceedings in the above cause and the foregoing is a full, true and cor-  
rect transcript of his stenographic notes thereof.

Subscribed and sworn to before me  
this 21st day of February, 1901.

  
Commissioner.



10198

OFFICE OF THE  
COMMISSIONER OF THE GENERAL INVESTIGATIVE DIVISION  
FEB 10 1901

ACTING CHAIRMAN

Department of the Interior,  
Commission to the Five Civilized Tribes,  
Muskogee, I. T. February, 19th 1901.

Supplemental testimony taken in the matter of the application of  
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Q What is your post office address? A. Wagoner, I. T.  
Q Are you the identical Lizzie M. Miller who applied for enrollment  
before the Dawes Commission at Fort Gibson on the 27th of August, 1900?  
A I don't know that I was making application for enrollment.  
Q Are you the same woman that was there? A. I am the same woman that  
was there.

EXAMINATION CONTINUED BY ATTORNEY \_\_\_\_\_ CLAYTON ( for applicant )

Q Mrs. Miller, are you Creek or Cherokee, if you are both, state how  
much of each blood you have? A. I am both Creek and Cherokee, my  
father was part Cherokee and part Creek and my mother was Cherokee; I  
am a little over a quarter Indian.  
Q Where have you resided since you were of age? A. In the Creek Nation.  
Q Have you taken your selections of land in the Creek or Cherokee  
Nation? A. In the Creek.  
Q Where do you reside now? A. In the Creek Nation.  
Q Do you now want to take your allotment in the Creek or Cherokee  
Nation? A. In the Creek Nation.  
Q How many children have you? A. Four.  
Q Give their names. A. Odus Beck, Gurtie Beck, Otto Beck and Fannie  
Beck.  
Q Which Nation do they live in? A. Creek.  
Q Have they ever lived in the Cherokee Nation? A. No sir.  
Q And you now desire to renounce your rights in the Cherokee Nation  
and take your rights in the Creek Nation? A. Yes sir.  
Q Do these children reside with you? A. The little girls do, the boys  
stay with their papa.  
Q Who is the papa of these children? A. Leonard O. Beck.  
Q Where does he live now? A. At Coweta in the Creek Nation.

EXAMINATION CONTINUED BY THE COMMISSIONER:

Q Is he the father of all these children? A. Yes sir.  
Q Is he a citizen of the Creek Nation? A. No sir a non-citizen.  
Q Have I understood you to say that you elect to take your citizenship  
in the Creek Nation and renounce all rights which you may have in the  
Cherokee Nation? A. Yes sir.

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Chas. von Weise, being sworn states that as stenographer to the Com-  
mission to the Five Civilized Tribes he reported in full all the pro-  
ceedings in the above cause and the foregoing is a full, true and cor-  
rect transcript of his stenographic notes thereon.

Subscribed and sworn to before me  
this 21st day of February, 1901.

*(Signature)*  
Commissioner.

DEPARTMENT OF THE INTERIOR.  
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application of Lizzie M. Beck for the enrollment of herself and her four minor children, Odus, Gerty, Otto and Fannie Beck as citizens of the Creek Nation.

D E C I S I O N .

It appears from the record in this case that on September 17, 1900, Lizzie M. Beck appeared before the Commission to the Five Civilized Tribes at Muskogee, Indian Territory, and made application for the enrollment of herself and her four minor children, Odus, Gerty, Otto and Fannie Beck, as citizens of the Creek Nation; that said Lizzie M. Beck is the daughter of Charles Stinson, deceased, who was a recognized citizen of the Creek Nation, and of Augusta Stinson, nee Rogers, deceased, who was a recognized citizen of the Cherokee Nation.

It also appears that the name of Lizzie Beck is found on the authenticated Creek Roll in the year 1890, at page 54 thereof, and that on page 106 of Book 3 of the Reports of the Creek Citizenship Commission, is found the judgment reinstating Lizzie, Adus, Gerty, Otto and Fannie Beck as citizens of said Nation, said judgment having been rendered on September 28, 1896.

It further appears that on August 27, 1900, Lizzie M. Miller appeared before this Commission at Fort Gibson, Indian Territory, and there made application for the enrollment of herself and her four minor children, Odus, Gerty, Otto and Fannie Beck as citizens of the Cherokee Nation, and that afterwards, on February 19, 1901, the said Lizzie M. Miller again appeared before this Commission at Muskogee, Indian Territory, and elected to take allotment of land in the Creek Nation, and renounced all rights in the Cherokee Nation; that the evidence is conclusive of the fact that Lizzie M. Miller and Lizzie M. Beck are one and the same person; that her first husband was Leonard Beck, the father of the children for whom application for enrollment is herein made; that she has separated from said Leonard Beck, and is now the wife of one Frank Miller.

It is therefore the opinion of this Commission that Lizzie M. Miller and her four minor children, Odus Beck, Gerty Beck, Otto Beck and Fannie Beck are citizens by adoption of the Creek Nation, and that they should be enrolled as citizens of said Nation in accordance with the provisions of Section twenty one of the act of Congress approved June 28, 1898, (30 Stats.495) and it is so ordered.

THE COMMISSION TO THE FIVE CIVILIZED TRIBES.

Dated at Muskogee, Indian Territory,  
this the 8<sup>th</sup> day of May 1901.

  
Chairman.

  
Commissioner.

  
Commissioner.

Cherokee D 122.

DEPARTMENT OF THE INTERIOR,  
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of  
Lizzie M. Miller, Odus Beck, Gerty Beck, Otto Beck and Fannie Beck,  
as citizens by blood of the Cherokee Nation.

D E C I S I O N.

The record in this case shows that on August 27, 1900, Lizzie M. Miller appeared before the Commission at Fort Gibson, Indian Territory, and made application for the enrollment of herself and her minor children, Odus, Gerty, Otto and Fannie Beck, as citizens by blood of the Cherokee Nation. Further proceedings in the matter of said application were had at Muskogee, Indian Territory, on February 12, 1901.

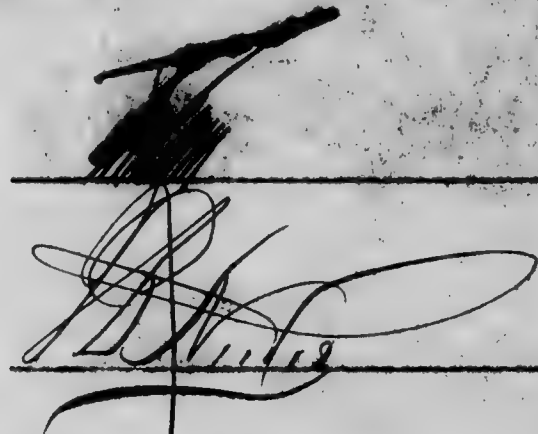
The evidence shows that Lizzie M. Miller, a Cherokee Indian by blood, is identified on the Cherokee authenticated roll of 1880. The minor applicants herein are her children by a former husband. It further appears that said Lizzie M. Miller and her minor children made application, were enrolled and made selection of allotments in the Creek Nation.

Paragraph eight, section twenty-one of the Act of Congress approved June 28, 1898 (30 Stat., 495), provides:

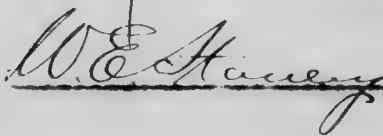
"The several tribes may, by agreement, determine the right of persons who for any reason may claim citizenship in two or more tribes, and to allotment of lands and distribution of moneys belonging to each tribe; but if no such agreement be made, then such claimant shall be entitled to such rights in one tribe only, and may elect in which tribe he will take such right; but if he fail or refuse to make such selection in due time, he shall be enrolled in the tribe with whom he has resided, and there be given such allotment and distributions, and not elsewhere."

It is, therefore, the opinion of this Commission that the application for the enrollment of Lizzie M. Willes, Clara Beck, George Beck, Otto Beck and Fannie Beck, as citizens by blood of the Cherokee Nation should be denied, and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

A large, stylized handwritten signature, likely of C. R. Bucknind, written over a horizontal line. The signature is written in dark ink and features a prominent loop at the end.

C. R. Bucknind.

A handwritten signature, likely of W. E. Harvey, written over a horizontal line. The signature is written in dark ink and is more fluid and cursive than the one above.

Dated at Muskogee, T. T.,

this MAR 20 1903

COMMISSIONERS

HENRY L. DAWES,  
TAMM BIXBY,  
THOMAS B. NEEDLES,  
C. R. BRECKINRIDGE

ALLISON L. AYLESWORTH,  
SECRETARY

DEPARTMENT OF THE INTERIOR,

COMMISSION TO THE FIVE CIVILIZED TRIBES.

Muskogee, Indian Territory, 1 1902, 1902.

Received on this date from the Commission to the Five Civilized Tribes a copy of the record of proceedings in the matter of the application of Lizzie M. (Beck) Miller et al. for enrollment as citizens of the Creek Nation.

A. P. McLeskey

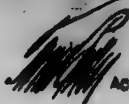
Attorney for Creek Nation.

Creek No. 76.

COMMISSION TO THE INTERIOR  
COMMISSION TO THE FIVE CIVILIZED TRIBES.

FILED

AUG 27 1900



ACTING CHAIRMAN.



## CHEROKEES BY BLOOD AND ADOPTION.

Date AUG 27 1900 1900.

Name Hagoner P.District Doubtful Year 1880 Page 27 No. 84Citizen by blood Doubtful Mother's citizenship

Intermarried citizen

Married under what law Date of marriage

License 35 CertificateWife's name Lizzie M. MillerDistrict Saline - (Orphan Roll) Year 1880 Page 27 No. 84Citizen by blood yes 1/4 Mother's citizenshipIntermarried citizen Parents { Charles StinsonMarried under what law Angela Rogers Date of marriage

License Certificate

## Names of Children:

2	Edna Beck	Dist.	Year <u>1896</u>	Page <u>14</u>	No.	Age <u>14</u>
0	Bertie	Dist.	Year	Page	No.	Age <u>10</u>
1	Otto	Dist.	Year	Page	No.	Age <u>8</u>
5	Ramuel	Dist.	Year	Page	No.	Age <u>6</u>
		Dist.	Year	Page	No.	Age
		Dist.	Year	Page	No.	Age
		Dist.	Year	Page	No.	Age
		Dist.	Year	Page	No.	Age
		Dist.	Year	Page	No.	Age
		Dist.	Year	Page	No.	Age

1 on 1880 roll as Elizabeth S. Stinson

2, 3, 4, and 5 Affidavits of births to be supplied

D198

Lissie M. Miller, her children, Odus Beck, Gerty Beck,  
Otto Beck and Fannie Beck, were listed for enrollment as citizens  
by blood of the Cherokee Nation on the 27th day of August, 1900, on  
Cherokee Roll Card, Field No. D - 198.

76

C O P Y .

Muskogee, Indian Territory, January 18, 1908.

A. P. McKellop, Esq.,

H. C. Reed, Esq.,

Attorneys for the Creek Nation,

Muskogee, Indian Territory.

Gentlemen:

There is herewith enclosed a copy of the decision of the Commission to the Five Civilized Tribes in the matter of the application made by Lizzie M. Miller, formerly Lizzie M. Beck, for the enrollment of herself and her four minor children, Odus, Gerty, Otto and Fannie Beck as citizens of the Creek Nation.

The decision, with a copy of the proceedings had in the case, is this day transmitted to the Secretary of the Interior for his review and decision. The final decision of the Secretary will be made known to you as soon as the Commission is informed of the same.

Yours truly,

T. B. Needles.

Commissioner in Charge.

1 enclosure.  
McK. & R. (22)  
Registered.

C O P Y .

Muskogee, Indian Territory, January 18, 1902.

The Honorable,

The Secretary of the Interior.

Sir:

There is herewith transmitted the record of proceedings in the matter of the application of Lizzie M. Beck for the enrollment of herself and her four minor children, Odus, Gerty, Otte and Fannie Beck as citizens of the Creek Nation, including the decision of the Commission dated the 8th day of May, 1901, enrolling said applicants as citizens of said nation.

Respectfully,

T. B. Needles.

Commissioner in Charge.

Through the Commissioner  
of Indian Affairs.

1 enclosure.  
Creek-76

C O P Y .

Muskogee, Indian Territory, January 18, 1902.

Lizzie M. Miller,

Wagoner, Indian Territory.

Madam:

There is herewith enclosed a copy of the decision of the Commission to the Five Civilized Tribes in the matter of the application made by you for the enrollment of yourself and your four minor children Odua, Gerty, Otto and Fannie Beck as citizens of the Creek Nation.

The decision, with a copy of the proceedings had in the case, is this day transmitted to the Secretary of the Interior for his review and decision. The final decision of the Secretary will be made known to you as soon as the Commission is informed of the same.

Yours truly,

T. B. Needles.

Commissioner in Charge.

1 enclosure.  
Registered.  
L.M.M.

C O P Y .

Muskogee, Indian Territory, January 18, 1902.

J. P. Clayton, Esq.,

Attorney for Lissie M. Miller et al,

Wagoner, Indian Territory.

Dear Sir:

There is herewith enclosed a copy of the decision of the Commission to the Five Civilized Tribes in the matter of the application made by Lissie M. Miller, formerly Lissie M. Beck, for the enrollment of herself and her four minor children, Odus, Gerty, Otto and Fannie Beck as citizens of the Creek Nation.

The decision, with a copy of the proceedings had in the case, is this day transmitted to the Secretary of the Interior for his review and decision. The final decision of the Secretary will be made known to you as soon as the Commission is informed of the same.

Yours truly,

T. B. Needles.

Commissioner in Charge.

1 enclosure.  
J.P.C.  
Registered.

(COPY)

13893

L.R.S.  
I.T.D. 1266-1902.

F.

DEPARTMENT OF THE INTERIOR.

Washington.

March 5, 1902.

Commission to the Five Civilized Tribes,  
Muskogee, I.T.

Gentlemen:

The Department has considered the application of Lizzie M. Beck for the enrollment of herself and four minor children, Odus, Gerty, Otto and Fannie Beck, as citizens of the Creek Nation.

It appears that Lizzie M. Beck is the daughter of Charles Stinson, deceased, who was a recognized citizen of the Creek Nation, and of Augusta Stinson, deceased, who was a recognized citizen of the Cherokee Nation; that the name of the applicant is found on the authenticated Creek roll of 1890, and that in the "Reports of the Creek Citizenship Commission" is found the judgment reinstating Lizzie, Adus, Gerty, Otto and Fannie Beck as citizens of said nation, said judgment having been rendered September 28, 1896. Election is made to be enrolled and take allotments in the Creek Nation, renouncing all rights in the Cherokee Nation. You found that all the applicants should be enrolled as Creek citizens.

The Commissioner of Indian Affairs February 18, 1902, concurred in your decision.

Finding no reason to disturb your decision, it is affirmed.

Respectfully,

THOS. RYAN.  
Acting Secretary.

RMD.



COMMISSIONERS

HENRY L. DAWES.  
TAMM BIXBY.  
THOMAS B. NEEDLES.  
C. R. BRECKINRIDGE.

ALLISON L. AYLESWORTH.  
SECRETARY

DEPARTMENT OF THE INTERIOR.  
COMMISSION TO THE FIVE CIVILIZED TRIBES.

REFER IN REPLY TO THE FOLLOWING

(COPY)

ADDRESS ONLY THE  
COMMISSION TO THE FIVE CIVILIZED TRIBES

Muskogee, Ind.Ter., April 3, 1902.

Lissie M. Miller,

Wagoner, Ind.Ter.

Dear Madam:

You are hereby advised that the Secretary of the Interior, under date of March 5, 1902, affirmed the decision of the Commission, dated May 8, 1901, enrolling yourself, and your four minor children, Odus, Gerty, Otto and Fannie Beck, as citizens of the Creek Nation.

Yours truly,

C. R. BRECKINRIDGE.  
Commissioner in Charge.

Creek-76.

OCH.

COMMISSIONERS  
HENRY L. DAWES.  
TAMM BIXBY.  
THOMAS B. NEEDLES.  
C. R. BRACKINRIDGE.

ALLISON L. AYLESWORTH.  
SECRETARY

DEPARTMENT OF THE INTERIOR.  
COMMISSION TO THE FIVE CIVILIZED TRIBES.

REFER IN REPLY TO THE FOLLOWING

(COPY)

ADDRESS ONLY THE  
COMMISSION TO THE FIVE CIVILIZED TRIBES

Muskogee, Ind.Ter., April 3, 1902.

J. P. Clayton, Esq.,

Attorney for Lissie M. Miller et al,

Wagoner, Indian Territory.

Dear Sir:

You are hereby advised that the Secretary of the Interior, under date of March 5, 1902, affirmed the decision of the Commission, dated May 8, 1901, enrolling Lissie M. Miller, and her four minor children, Odus, Gerty, Otto and Fannie Beck, as citizens of the Creek Nation.

Yours truly,

C. R. BRACKINRIDGE.  
Commissioner in Charge.

Creek-76.

OCH.

COMMISSIONERS  
HENRY L. DAWES.  
TAMM BIXBY.  
THOMAS B. NEEDLES.  
C. R. BRECKINRIDGE.

ALLISON L. AYLESWORTH.  
SECRETARY

DEPARTMENT OF THE INTERIOR.  
COMMISSION TO THE FIVE CIVILIZED TRIBES.

(COPY)

REFER IN REPLY TO THE FOLLOWING

ALSO ANNOUNCES THE  
COMMISSION TO THE FIVE CIVILIZED TRIBES

Muskogee, Ind.Ter., April 3, 1902.

A. P. McKellop, Esq.,

H. C. Reed, Esq.,

Attorneys for the Creek Nation,  
Muskogee, Indian Territory.

Gentlemen:

You are hereby advised that the Secretary of the Interior, under date of March 5, 1902, affirmed the decision of the Commission, dated May 8, 1901, enrolling Lissie M. Miller, and her four minor children, Odus, Gerty, Otto and Fannie Beck, as citizens of the Creek Nation.

Yours truly,

C. R. BRECKINRIDGE.  
Commissioner in Charge.

Creek-76.

OCH.

COMMISSIONERS  
HENRY L. DAWES.  
TAMM BIXBY.  
THOMAS B. NEEDLES.  
C. R. BRECKINRIDGE.

ALLISON L. AYLESWORTH.  
SECRETARY

DEPARTMENT OF THE INTERIOR.  
COMMISSION TO THE FIVE CIVILIZED TRIBES.

REFER IN REPLY TO THE FOLLOWING

(COPY)

ADDRESS ONLY THE  
COMMISSION TO THE FIVE CIVILIZED TRIBES

Muskogee, Ind.Ter., April 5, 1902.

Cherokee Enrollment Division,  
Commission to the Five Civilized Tribes,  
Muskogee, Indian Territory.

Gentlemen:

You are hereby advised that the Secretary of the Interior, under date of March 5, 1902, affirmed the decision of the Commission, dated May 8, 1901, enrolling Lissie M. Miller and her minor children, Odus, Gerty, Otto and Fannie Beck, who on August 27, 1900, made application for enrollment as citizens of the Cherokee Nation, as citizens of the Creek Nation; that they have elected to be enrolled and receive allotment of lands in the Creek Nation; that they made their selection of allotments May 8, 1901, and are regularly listed for enrollment as citizens of the Creek Nation on Creek Indian Card, Field No. 2309.

Yours truly,

C. R. BRECKINRIDGE.  
Commissioner in Charge.

OCH.

Cherokee D-198

Vinita, Indian Territory, February 25th, 1903.

Commission to the Five Civilized Tribes,  
Muskogee, Indian Territory.

Gentlemen:

I have the honor to transmit herewith copies of the testimony in the matter of the application for the enrollment of Lizzie M. Miller, et al, Cherokee D-198, together with letter from the Creek Enrollment Division showing the status of the applicants as Creek citizens.

It appears from the record in this case that all the applicants have been enrolled and have taken allotments as citizens of the Creek Nation. It does not appear that any decision has been prepared.

Respectfully,

Clerk in Charge.

Enc. C-37.  
JOC.

DEPARTMENT OF THE INTERIOR,  
COMMISSION TO THE FIVE CIVILIZED TRIBES.

FILED

FEB 25 1903

CHAIRMAN

Cherokee D-198

Vinita, Indian Territory, February 25th, 1903.

Commission to the Five Civilized Tribes,  
Muskegee, Indian Territory.

Gentlemen:

I have the honor to transmit herewith copies of the testimony in the matter of the application for the enrollment of Linzie M. Miller, et al, Cherokee D-198, together with letter from the Creek Enrollment Division showing the status of the applicants as Creek citizens.

It appears from the record in this case that all the applicants have been enrolled and have taken allotments as citizens of the Creek Nation. It does not appear that any decision has been prepared.

Respectfully,

Clerk in Charge.

Enc. C-37.  
JOC.



COPY.

Cherokee D-198

Muskogee, Indian Territory, April 2, 1903.

The Honorable,

The Secretary of the Interior.

Sir:

There is herewith transmitted the record of proceedings had in the matter of the application of Lizzie M. Miller for the enrollment of herself and her four minor children, Odus, Gertie, Otto and Fannie Beck, as citizens by blood of the Cherokee Nation, including the Commission's decision, dated March 20, 1903, rejecting said application.

Respectfully,

*Thomas D. Smith*  
Chairman.

Enc. M-3101

Through the

Commissioner of Indian Affairs.

COPY.

Cherokee D-198

Muskogee, Indian Territory, April 2, 1903.

The Honorable,

The Secretary of the Interior.

Sir:

There is herewith transmitted the record of proceedings had in the matter of the application of Lizzie M. Miller for the enrollment of herself and her four minor children, Odus, Gertie, Otto and Fannie Beck, as citizens by blood of the Cherokee Nation, including the Commission's decision, dated March 20, 1903, rejecting said application.

Respectfully,

*Thomas D. Dyer*  
Chairman.

Enc. M-3101

Through the

Commissioner of Indian Affairs.

00F

Cherokee D-198

Muskogee, Indian Territory, April 2, 1903.

W. W. Hastings,

Attorney for the Cherokee Nation,

Vinita, Indian Territory.

Dear Sir:

There is herewith enclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated March 20, 1903, rejecting the application of Lizzie M. Miller for the enrollment of herself and her four minor children, Odus, Gertie, Otto and Fannie Beck, as citizens by blood of the Cherokee Nation.

The decision, together with the record of proceedings had in this case, has this day been transmitted to the Secretary of the Interior for his review and decision. The action of the Secretary will be made known to you as soon as the Commission is informed of same.

Respectfully,

*Tamm Hixby.*  
Chairman.

Enc. M-2101

COPY.

Cherokee D-193

Muskogee, Indian Territory, April 2, 1903.

Lizzie M. Miller,

Wagoner, Indian Territory.

Dear Madam:

There is herewith enclosed a copy of the record of proceedings had in the matter of your application for the enrollment of yourself and your four minor children, Odus, Gertie, Otte and Fannie Beck, as citizens by blood of the Cherokee Nation, together with a copy of the Commission's decision, dated March 20, 1903, rejecting your said application.

The decision, together with the record of proceedings had in this case, has this day been transmitted to the Secretary of the Interior for his review and decision. The action of the Secretary will be made known to you as soon as the Commission is informed of same.

Respectfully,

*James Bixby.*

Chairman.

Enc. M-101

Register

P.B.H.

COMMISSIONERS:

TAMM BIXBY,  
THOMAS B. NEEDLES,  
C. R. BRECKINRIDGE,  
W. E. STANLEY.

ALLISON L. AYLESWORTH,  
SECRETARY.

E.M.

DEPARTMENT OF THE INTERIOR,  
COMMISSION TO THE FIVE CIVILIZED TRIBES.

REFER IN REPLY TO THE FOLLOWING

ADDRESS ONLY THE  
COMMISSION TO THE FIVE CIVILIZED TRIBES

Muskogee, Ind. Ter., April 5, 1902.

Cherokee Enrollment Division,  
Commission to the Five Civilized Tribes,  
Muskogee, Indian Territory.

Gentlemen:

You are hereby advised that the Secretary of the Interior, under date of March 5, 1902, affirmed the decision of the Commission, dated May 8, 1901, enrolling Lizzie M. Miller and her minor children, Odus, Gerty, Otto and Fannie Beck, who on August 27, 1900, made application for enrollment as citizens of the Cherokee Nation, as citizens of the Creek Nation; that they have elected to be enrolled and receive allotment of lands in the Creek Nation; that they made their selection of allotments May 8, 1901, and are regularly listed for enrollment as citizens of the Creek Nation on Creek Indian Card, Field No. 2309.

Yours truly,

(signed) C.R.Breckinridge,  
Commissioner in Charge.

OCH.

D 198

D. C. No. 19545-1903.  
J.P.

44495

CMR

ITD 5556-1903.

DEPARTMENT OF THE INTERIOR,

WASHINGTON, July 16, 1903.

The Commission

to the Five Civilized Tribes.

Gentlemen:

July 10, 1903, the Commissioner of Indian Affairs transmitted the record in the case involving the application of Lizzie M. Miller for the enrollment of herself and minor children, Odus, Gerty, Otto and Fannie Beck, as citizens by blood of the Cherokee Nation, submitted with your letter of April 2, 1903.

It appears, as stated in your decision, that Lizzie M. Miller is identified on the Cherokee authenticated roll of 1880; that the minor applicants are her children by a former husband. It also appears that Lizzie M. Miller and her minor children made application, were enrolled and made selection of allotments, in the Creek Nation. Referring to paragraph 8, section 21 of the act of June 28, 1898 (30 Stat., 495), March 20, 1903, you, therefore rejected the application for enrollment of the parties as citizens by blood of the Cherokee Nation.

The Commissioner of Indian Affairs recommends that your decision be concurred in. Finding no reason to disturb your decision it is hereby affirmed.

A copy of the Commissioner's letter is inclosed.

Respectfully,

(SIGNED) Thos. Ryan

Acting Secretary.

1 inclosure.

Refer in reply  
to the following:  
Land  
22620--1903.

(COPY)

DEPARTMENT OF THE INTERIOR,

Office of Indian Affairs,

Washington. July 10, 1903.

The Honorable,

The Secretary of the Interior.

Sir:-

There is enclosed herewith a report from C. R. Breckinridge, Esq., member of the Commission to the Five Civilized Tribes, dated April 2, 1903, transmitting the record relative to the application of Lizzie M. Miller, for the enrollment of herself and her minor children, Odus, Gertie, Otto and Fannie Beck, as citizens by blood of the Cherokee Nation.

March 20, 1903, the commission held the applicants were not entitled to enrollment. The record in this case shows that Lizzie M. Miller is identified by the 1880 roll, and that her first husband Leonard Beck was the father of the minor applicants. Lizzie M. Miller's mother was a Cherokee and her father was a Creek. The principal applicant the record shows applied to the commission for the enrollment of herself and her minor children as Creeks; that they were so enrolled, and that they have selected allotments in the Creek Nation.

These applicants being entitled to rights in the Creek and Cherokee Nations, and having elected to take those rights in



-2-

the Creek Nation are not entitled to enrollment as Cherokees, and the approval of the commission's decision adverse to them is recommended.

Very respectfully,

W. A. Jones,

Commissioner.

G.A.W.(E.)

mdg

COMMISSIONERS:

TAMM BIXBY,  
THOMAS B. NEEDLES,  
C. R. BRECKINRIDGE,  
W. E. STANLEY.

ALLISON L. AYLESWORTH,  
SECRETARY.

DEPARTMENT OF THE INTERIOR,  
COMMISSION TO THE FIVE CIVILIZED TRIBES.

REFER IN REPLY TO THE FOLLOWING  
Cherokee D.138  
and Creek 2309.

ADDRESS ONLY THE  
COMMISSION TO THE FIVE CIVILIZED TRIBES

Muskogee, Indian Territory, August 5, 1903.

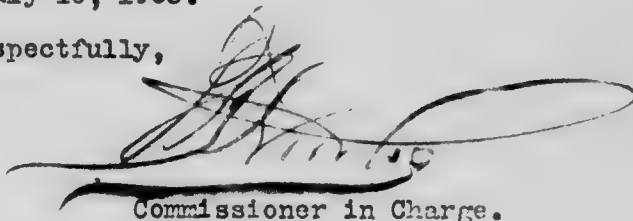
Creek Enrollment Division,  
General Office.

Gentlemen:

There is herewith enclosed a copy of the Commission's decision, dated July 20, 1903, rejecting the application for the enrollment of Lizzie M. Miller, and her four minor children, Odus, Gertie, Otto and Fannie Beck, as citizens by blood of the Cherokee Nation.

You are advised that this decision was approved by the Secretary of the Interior on July 16, 1903.

Respectfully,



Commissioner in Charge.

Enc.I-11.

COPI

Cherokee D-198

Muskogee, Indian Territory, July 30, 1903.

W. W. Hastings,

Attorney for the Cherokee Nation,

Tahlequah, Indian Territory.

Dear Sir:

You are hereby advised that the Commission's decision dated March 20, 1903, rejecting the application of Lizzie M. Miller for the enrollment of herself and her four minor children, Odus, Gertie, Otto and Fannie Beck, as citizens by blood of the Cherokee Nation, was affirmed by the Secretary of the Interior on July 16, 1903.

Respectfully,

T. B. Venable

Commissioner in Charge.

MMB

COPY.

Cherokee D-190

Muskogee, Indian Territory, July 30, 1903.

Lizzie M. Miller,

Wagoner, Indian Territory.

Dear Madam:

You are hereby advised that the Commission's decision dated March 20, 1903, rejecting your application for the enrollment of yourself and your four minor children, Odus, Gertie, Otto and Fannie Beck, as citizens by blood of the Cherokee Nation, was affirmed by the Secretary of the Interior on July 16, 1903.

Respectfully,

*T. B. Needles*

Commissioner in Charge.

MEED

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DEPARTMENT OF THE INTERIOR,  
COMMISSION TO THE CHICKASAW TRIBES,  
MUSKOGEE, I. T. JUNE 24th, 1900.

In the matter of the application for enrollment as a citizen  
of the Creek Nation of Babe Hawkins, as a citizen of the Creek Nation.

JULIA PERRYMAN, being sworn by Acting Chairman Bisby, testified as follows, to-wit:

(By Commission)

- Q What is your name? A Julia Perryman.
- Q What is your age? A 40.
- Q What is your post office address? A Muskogee.
- Q You are a citizen of the Creek Nation, are you not? A Yes sir.
- Q Do you know the applicant for citizenship, Babe Hawkins? A Yes sir.
- Q Is he any kind of yours? A He is my nephew.
- Q How old is he? A He is about 28 years old I think.
- Q Is he now living? A Yes sir.
- Q Has he ever been recognized by the tribal authorities of the Creek Nation as a citizen thereof? A Yes sir.
- Q Has he ever been enrolled by the Creek Tribal authorities as a citizen thereof of the Creek Nation? A Yes sir.
- Q How do you know this to be a fact? A Because he drew money with the Creeks, and I suppose he might have been recognized.
- Q How do you know that he drew money from the Creek Nation?
- A When they drew the \$14.40 his name was called; I was up there at Okmulgee when they drew the \$14.40, and his half brother, Charley McIntosh drew the \$14.40 and used it himself and never sent it to me him.
- Q Do you know whether or not his brother drew the \$14.40 from the Creek Nation in 1895, or did this information come to you from the brother? A He drew it and had the money with him; I seen it myself, he drew it and went down home with the money and spent it, and he told me he drew the money.
- Q Did you see him draw the money? A I never seen him draw the money but he had the money in his hands; but I was up there when his name was called.
- Q You understand then that Charley McIntosh drew \$14.40 from the Creek Nation in 1895 for his half brother, Babe Hawkins. A Yes sir.
- Q Did Bob Hawkins draw \$20 from the Creek authorities when the 1890 payment was made? A He didn't draw it; somebody else drew it for him I suppose. Their town king I reckon.
- Q To what town in the Creek Nation does Babe Hawkins belong?
- A Canadian Colored.
- Q What is the name of Babe Hawkins' father? A Joe Hawkins.
- Q Is he living? A He is dead.
- Q Was he a citizen of the Creek Nation? A No sir.
- Q What is the name of Babe Hawkins mother? A Mary Hawkins.
- Q Is she living? A No sir.
- Q How long has she been dead? A About 16 or 17 years.
- Q Was Mary Hawkins a citizen of the Creek Nation? A Yes sir.
- Q Is her name on the Dunn roll? A It cannot be found on the Dunn roll.
- Q Was she adopted by the Creek council as a citizen of the Creek Nation? A No sir.
- Q Were Joe Hawkins and Mary Hawkins legally married? A I suppose so, when they came from the Chickasaw Nation to the Creek Nation, they were to-gather.

12.

- Q You don't know then of your own knowledge, that they were together legally married? A No sir.
- Q Did they live together as man and wife? A Yes sir.
- Q For how long a period did they live together? A I couldn't tell you; they lived until she died.
- Q How many children did she have? A She had eight.
- Q According to your understanding, how did Bob Hawkins become a citizen of the Creek Nation? A By his mother was all I could tell.
- Q His mother was a Creek Freeman? A Yes sir.
- Q She had no Indian blood? A She was my sister and like I am.
- Q Was she a slave? A Yes sir.
- Q Who was her Greek owner? A Hetulsey Herrod.
- Q Do you know whether or not Mary Hawkins was here in the Creek Nation at the time when the Dunn payment was made? A No sir.
- Q Where was she at that time? A I don't know where she was.
- Q Did she reside in the Creek Nation prior to the time of the Dunn payment? A She wasn't here during the payment.
- Q When did she come to the Creek Nation? A I couldn't tell exactly when she did come. She was down in the Chickasaw Nation before she ever came up here.
- Q Was her name ever placed on the tribal rolls of the Creek Nation? A I suppose her name was on the Canadian roll.
- Q Where is Babe Hawkins now? A He is in the penitentiary in Texas.
- Q How long has he been there? A He has been there now 7 years.
- Q Where was he residing prior to his being placed in the penitentiary? A At Sherman Texas.
- Q How long had he been residing there? A I don't know how long; 5 or 6 months I reckon.
- Q Was he ~~residing~~ arrested in Sherman Texas for some crime he had committed at that place? A Yes sir.
- Q Is he married? A Yes sir.
- Q Where was he married? A In the Chickasaw Nation.
- Q Has he any children? A He has got one child.
- Q Where does his wife and child now reside? A They are in the Chickasaw Nation now some place; I couldn't tell exactly where they are at.
- Q Did they live with him while he was at Sherman Texas? A Yes sir.
- Q Was Babe Hawkins in the Creek Nation in the year 1890 when the \$29 payment was made? A He was here in the Creek Nation; he was down below some place.
- Q Isn't it a matter of fact that Babe Hawkins has been outside of the Indian Territory for the past 10 years? A He was down on the railroad on Red River.
- Q Was that in Texas? A No sir, down on Red River I think it was, in the Territory.
- Q While he was at work on the railroad back and forth, isn't it a fact he made his residence at Sherman Texas? A He was a boy that didn't stay regularly at one place; I can't tell exactly whether he made his home there; but mostly I would get letters from the Chickasaw Nation until I got a letter from his lawyer.

It is admitted that Babe Hawkins was not admitted as a citizen of the Creek Nation by the Colbert Commission of said Nation, acting under the provisions of an act of the Creek Council, approved May 30, 1895; nor the Dawes Commission, acting under the provision of an act of Congress, approved June 10, 1896, nor by the United States District Court for the Indian Territory.

Upon examination of the Dunn roll--being the authenticated roll of the Creek Freedmen, made in 1867--the name of Mary Hawkins, or any person answering her description was not found thereon.



Also upon the examination of Chapter 22 of the laws of the Muskogee Nation for the year 1893 as compiled by A. B. McCall, being an act entitled, "Persons to whom citizenship has been granted", the names of Mary Hawkins and Baha Hawkins were not found thereon.

Furthermore, the name of Baha Hawkins was not found on the authenticated roll of the Creek Nation made in 1890, nor upon any other roll of the Creek Nation, made subsequent to that date.

Case continued to give applicant further opportunity to produce witnesses to identify him on the Creek rolls.

E. Haptain, being duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes, he reported in full all proceedings had in the above entitled cause on the 24th day of July, 1900, and that the above and foregoing is a full, true and correct transcript of his stenographic notes in said cause.

*E. Haptain*

Subscribed and sworn to before me this 13 day  
of Sept 1900, at Muskogee, T. T.

*[Signature]*  
Acting Chairman.

DEPARTMENT OF THE INTERIOR  
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application of Julia Perryman for the enrollment of her nephew Babe Hawkins as a citizen of the Creek Nation.

DECISION.

It appears from the record in this case that on July 24, 1900, Julia Perryman appeared before this Commission at Muskogee, Indian Territory and made application for the enrollment of her nephew, Babe Hawkins, aged 28 years as a citizen of the Creek Nation, claiming that he was a Creek freedman.

It also appears that the said Babe Hawkins is the son of Mary Hawkins, deceased, who was a full sister of the applicant, Julia Perryman, a recognized citizen of the Creek Nation and that the name of the said Babe Hawkins for whom this application is made is found upon the authenticated Creek roll dated December 4, 1895 and known as the 1895 Omitted Pay Roll.

It further appears that the said Babe Hawkins was on the date the application herein was made incarcerated in the penitentiary in the state of Texas and unable to appear in person before this Commission for the purpose of making application for enrollment.

It is therefore the opinion of this Commission that the said Babe Hawkins is a recognized citizen of the Creek Nation and that he should be enrolled as such in accordance with the provisions of the act of congress of June 28, 1898, (30 Stats. 495) and it is so ordered.

The Commission to the Five Civilized Tribes.

Dated at Okmulgee, Indian Territory,  
this the 24<sup>th</sup> day of May, 1901.

  
Acting Chairman

  
Commissioner.

Commissioner.

(COPY)

Muskogee, Indian Territory, January 18, 1902.

The Honorable,

The Secretary of the Interior.

Sir:

There is herewith transmitted the record of proceedings in the matter of the application of Julia Ferryman for the enrollment of Babe Hawkins as a citizen of the Creek Nation, including the decision of the Commission, dated May 24, 1901, enrolling said applicant as a citizen of said nation.

Respectfully,

T. B. Needles.

Commissioner in charge.

1 enclosure  
Creek 77.

Through the Commissioner  
of Indian Affairs.

(COPY)

Muskogee, Indian Territory, January 18, 1908.

Julia Perryman,

Muskogee, Indian Territory.

Dear Madam:

There is herewith enclosed a copy of the decision of the Commission to the Five Civilized Tribes in the matter of the application made by you for the enrollment of Babe Haskins as a citizen of the Creek Nation.

The decision, with a copy of the proceedings had in the case, is this day transmitted to the Secretary of the Interior for his review and decision. The final decision of the Secretary will be made known to you as soon as the Commission is informed of the same.

Yours truly,

T.B. Needles.

Commissioner in charge.

1 enclosure JP-77.  
Registered.

(COPY)

Muskogee, Indian Territory, January 18, 1902.

A. P. McKellop, Esq.,

H. O. Reed, Esq.,

Attorneys for Creek Nation,

Muskogee, Indian Territory.

Gentlemen:

There is herewith enclosed a copy of the decision of the Commission to the Five Civilized Tribes in the matter of the application for the enrollment of Babe Hawkins as a citizen of the Creek Nation.

The decision, with a copy of the proceedings had in the case, is this day transmitted to the Secretary of the Interior for his review and decision. The final decision of the Secretary will be made known to you as soon as the Commission is informed of the same.

Yours truly,

T. B. Needles.

Commissioner in charge.

1 enclosure  
MM-77.  
Registered.

C O P Y.

24260.

DEPARTMENT OF THE INTERIOR.

WASHINGTON.

R

I.T.D.1743-1902.

April 23, 1902.

L.R.S.

Commission to the Five Civilized Tribes,  
Muskogee, I. T.

Gentlemen:

March 20, 1902, the Acting Commissioner of Indian Affairs transmitted the record in the case involving the application of Julia Perryman for the enrollment of her nephew, Babe Hawkins, as a citizen of the Creek Nation, and recommended that your decision favorable to the claimant be approved.

It is stated in your decision that Babe Hawkins is the son of Mary Hawkins, a sister of Julia Perryman, a citizen of the Creek Nation; that the name of Babe Hawkins is found upon the authenticated Creek roll of 1895, known as the 1895 Omitted Pay Roll, and that at the time of the present application for enrollment Babe Hawkins was in the penitentiary in Texas. He is shown to be about 28 years of age.

It is noted in the testimony that Babe Hawkins was not admitted to citizenship under the Creek law of 1895, or by your Commission, or by the United States Court; that the name of Babe Hawkins does not appear among the names mentioned in Chapter 20 of the laws of the Creek Nation compiled in 1893; that his name is not found upon the authenticated roll of 1890,

"nor upon any other roll of the Creek Nation made subsequent to that date", and it was stated that the applicant would be given further opportunity to produce witnesses to identify him on the Creek Rolls. Further testimony is not found with the record.

There has been filed an argument by the attorneys for the Creek Nation in which it is stated that the name of Babe Hawkins appears upon the 1890 and 1895 rolls, but that it is not shown how his name was placed upon said rolls.

The Department desires further explanation of the matter of the party's enrollment on the tribal rolls.

It is contended by said attorneys that Hawkins is a colored person not entitled to enrollment. Reference is made to the 2nd article in the treaty of 1866 (14 Stat., 785), and to section 148 of the Creek Act approved May 17, 1895, and it is claimed that the applicant has never been admitted into the tribe in any legal manner, the conclusion being, therefore, that "his enrollment on pay roll of 1895 was procured by fraud, or was made without authority of law."

It appears that Babe Hawkins was put in the penitentiary in Texas about seven years prior to the date of the application under consideration and that he had been in that State prior to that time five or six months. The testimony does not clearly show that he had been a bona fide resident of the Indian Territory prior to his conviction for the offense in Texas.



In view of the provision in the act of June 28, 1898, that "no person shall be enrolled who has not heretofore removed to and in good faith settled in the nation in which he claims citizenship", and for the reasons stated, the Department remands the case in order that further testimony may be taken as to the claimant's residence previous to his imprisonment and for information as to his enrollment.

The record received with your letter of January 18, 1902, is inclosed, together with the argument of said attorneys and a copy of the Acting Commissioner's letter.

You will readjudicate the matter and submit it to the Department in due time.

Respectfully,

THOS. RYAN.

Acting Secretary.  
EMD.

3 inclosures.

Enc. Missing  
Letter of Com'r. }

(COPY)

Muskogee, Ind.Ter., May 29, 1902.

Julia Perryman,

Muskogee, Indian Territory.

Dear Madam:

The Commission is in receipt of a letter from Hon. Thos. Ryan, Acting Secretary of the Interior, under date of April 23, 1902, in the matter of the application for enrollment of Babe Hawkins as a citizen of the Creek Nation, in which it is stated:

"In view of the provisions in the act of June 28, 1898, that 'No person shall be enrolled who has not heretofore removed to and in good faith settled in the nation in which he claims citizenship,' and for the reason stated, the Department remands the case in order that further testimony may be taken as to the claimant's residence previous to his imprisonment and for information as to his enrollment."

You are accordingly notified that on Wednesday, June 18, 1902, the Commission at its office in Muskogee, Indian Territory, will hear such testimony as may be offered by or on behalf of the applicant and the Creek Nation concerning "claimant's residence previous to his imprisonment and for information as to his enrollment."

Yours truly,

Creek-77.  
Registered.  
OCH.

T. B. NEEDLER,  
Commissioner in Charge.

(COPY)

Muskogee, Ind. Ter., May 29, 1902.

A. P. McKellop, Esq.,

H. C. Reed, Esq.,

Attorneys for Creek Nation,

Muskogee, Ind. Ter.

Gentlemen:

The Commission is in receipt of a letter from Hon. Thos. Ryan, Acting Secretary of the Interior, under date of April 23, 1902, in the matter of the application for enrollment of Babe Hawkins as a citizen of the Creek Nation, in which it is stated:

"In view of the provisions in the act of June 28, 1898, that 'No person shall be enrolled who has not heretofore removed to and in good faith settled in the nation in which he claims citizenship,' and for the reason stated, the Department remands the case in order that further testimony may be taken as to the claimant's residence previous to his imprisonment and for information as to his enrollment."

You are accordingly notified that on Wednesday, June 18, 1902, the Commission at its office in Muskogee, Indian Territory, will hear such testimony as may be offered by or on behalf of the applicant and the Creek Nation concerning "claimant's residence previous to his imprisonment and for information as to his enrollment."

Yours truly,

Creek-77.  
Registered.  
OCH.

T. B. NEEDLES.

Commissioner in Charge.

DEPARTMENT OF THE INTERIOR  
BUREAU OF LANDS  
WASHINGTON, D. C.  
June 12, 1902.

In the matter of the application of Julia Perryman  
for the right of way to her nephew, John Perkins, as a  
citizen of the Greek Nation.

Appearance: J. J. [illegible] and E. U. Reed, attorneys for  
the [illegible]  
J. [illegible] attorney for the applicant.

In accordance with instructions of the Secretary  
of the Interior, that further evidence be taken in this  
case, as to the claimant's residence previous to his im-  
prisonment and for information as to her [illegible], the  
Commission notified the applicant and the attorney for  
the Greek Nation that such testimony would be heard June  
18, 1902.

By agreement of counsel representing applicant and  
Greek Nation, this cause is hereby continued to Monday,  
July 1st, 1902.

REPORT OF THE INVESTIGATOR,  
COMMISSION TO THE FIVE CIVILIZED TRIBES.  
Washington, D. C., July 1, 1906.

In the matter of the application of Julia Perryman for the enrollment of her nephew, Babe Hawkins, as a citizen of the Creek Nation.

Appearances: H. Martin, attorney for the applicant.  
A. P. McKellop, attorney for Creek Nation.

J. P. Davidson, being first duly sworn, testified as follows:

By the Commission:

Q What is your name? A My name is J. P. Davidson.

Q What is your age? A Fifty-six.

Q What is your post office address? A Muskogee.

Q Are you a citizen of the Creek Nation? A I am.

Q Have you ever held any official position in the Creek Nation?

A I have held a position in the Creek Nation, Council, for years, lower house, and I have been the superintendent of this mission out here about six years.

By Mr. McKellop:

Q What mission? A Pecos Creek Mission.

Q This is in the matter of the application for enrollment, as a citizen of the Creek Nation, of Babe Hawkins: Did you know any one by the name of Babe Hawkins? A Yes, sir; I recollect two parties by the name of Babe Hawkins.

Q Do you remember anything about Babe Hawkins who lived in the Choctaw Nation? A Well I don't know whether this Babe Hawkins that is in Texas is the same Babe or not, but there was a Babe Hawkins who came from the Choctaw Nation here shortly after the war with his mother and his father.

Q What was the name of Babe Hawkins' father? A His name was Joe Hawkins.

Q What was the name of his mother? A I think her name was Mary.

Q Did you state that Joe Hawkins was a state raised freedman?

A Yes, sir.

Q Do you know whether Mary Hawkins, Babe Hawkins' mother, was a citizen of the Creek Nation? A Her citizenship was denied; she claimed that she had a right, but it was never granted or acknowledged by the Council.

Q When did you see Babe Hawkins last in this country? A Well, this boy that we are speaking of--old man's Hawkins's--went sometime ago, before the year of '90, and stole a horse here of me; the light-horsemen caught him and had him in prison.

Q Well, did they do anything with him? A They didn't do anything with him; they were fussing over the matter as to which court ought to try him, and some thought they ought to try him here and some at Fort Smith, and he ran off.

Q That was sometime before 1890? A Yes, sir; to my recollection.

Q Do you know whether he has been back in the Creek Nation since that time? A Never was here to my knowledge; never heard of him in the country; if they did, they would have tried to catch him again.

Q You stated a while ago that you have another Babe Hawkins?

A Yes, sir; many years back there was another Babe Hawkins that belonged to the Hawkins that I did, old Joe Hawkins.

2 Julia Perryman for Babe Hawkins.

Q About how old would he be now--the Babe Hawkins that you speak of? A He would be about thirty or thirty-five.

Q Will you state what town in the Creek Nation he belonged to?

A He belonged to Arkansas--all the Hawkins outfit belonged to Arkansas.

Q Are you a member of the House of Warriors of the Creek Council?

A Yes, sir.

Q How long was you a member of the Creek Council? A Twelve years.

Q Were you a member of the Creek Council in 1890, when the \$20 payment was made to citizens? A Yes, sir; I think I was.

Q Were you a member of the Creek Council in 1895 when the \$14.40 payment was made? A No, sir; I was not.

By the Commission:

Q To what town in the Creek Nation do you belong? A Arkansas.

Q Did you ever know any one by the name of Babe Hawkins that belonged to Arkansas Town? A Well, this Babe that I speak of belonged to the Hawkins people there, because his people belonged there they are undoubtedly enrolled on the Arkansas.

Q Were you personally acquainted with Babe Hawkins, for whom application is made? A Yes, sir; I was.

Q Was he the Babe Hawkins that belonged to Arkansas town? A No, sir; he could not have belonged to Arkansas town. He never belonged to any town at all, he never lived here, till here some few years ago when we got into this trouble. He moved from the Choctaw country and came here.

Q Was this Babe Hawkins a recognized citizen of the Creek Nation?

A He was not, no sir.

Q The applicant for whom this application is made, was his citizenship ever questioned by the Creek Nation? A He made application several times to the Creek Council, but was denied.

Q Are you positive that Babe Hawkins has not been in the Creek Nation since he left in 1890? A Well, not to my knowledge. I never have heard of him.

Q Is the Babe Hawkins that you speak of, who belonged to Arkansas Town, now living? A I don't know; he went out of the country some years ago.

Q Did you know Lewis Perryman? A I know one Lewis Perryman; there might be two--I think there is two; but I know one that is herein town.

Q Well, what town does he belong to? A Arkansas.

Q Was he any kin to the Babe Hawkins that belonged to Arkansas town, which you speak of? A No sir, I think not, to my knowledge.

Q Did you know a Julia Hawkins that belonged to Arkansas town?

A There is a Julia Perryman, but she is dead.

Q Is Julia Hawkins any kin to the Babe Hawkins that you speak of who belonged to Arkansas town? A Yes, they ought to be kin; well, I couldn't tell, distant kin.

By Mr. Hastain:

Q You was not a member of the Council when they passed upon the 1895 roll, was you? A In that year I don't think I was.

Q You never made any objection to Babe Hawkins at that time?

A Well, I was not a member of the Council.

Q Well you never made any objection to the Council enrolling him, did you? A I don't know; had nothing to do with it at that time. But there is a time that I made objection to this Babe Hawkins that you refer to, and many others that I knew of my own personal knowledge.



3 Julia Perryman for Babe Hawkins.

Q Well, there is other people, if Babe Hawkins was not entitled, there are other people who know it who would decide, isn't there?

A Yes, sir; I think so.

Q Now you lost a horse--somebody stole a horse from you--you think it was Babe Hawkins, didn't you? You laid it to Babe Hawkins? A I didn't lay it to Babe Hawkins, but he came and acknowledged that he carried it off through the consent of another man.

Q And that is the reason you are here testifying against him today?

A No, sir; that is not the reason.

Q That is one reason? A Not at all, sir.

Q You are still after him; if you could get him, you would get him today, wouldn't you? A No, sir; I am not still after him, for our laws are gone down.

Q And that is the only reason, isn't it,--because the laws are not in effect? A Yes, sir; if our laws were in force, I would go after any thief.

Q He never was tried for taking your horse? A No, sir; never was tried.

Q It was another horse he was arrested for taking, wasn't it?

A Yes, sir; he was arrested for stealing another horse; and while he was a prisoner, he acknowledged that he carried off my horse.

Q Then when you told the Commission a while ago that he was arrested for taking your horse, you meant that he was arrested for taking another horse? A He was for taking my horse.

Q He was arrested for by the Creek authorities, wasn't he, Mr.

Davidson? A I don't recollect exactly who arrested him. It seems that it was somebody by the light-horsement; I don't recollect exactly who, but our light-horse had him.

Q Was he ever tried for that? A No, sir; he was not tried at all; he got away.

Q You have never seen him since? A Never seen him or never heard of him since.

By Mr. McKellop:

Q I believe you stated, Mr. Davidson, that when they had Babe Hawkins as a prisoner, there was a question as to the right of the Creek courts to try him? A Yes, sir.

Q You stated, also, if I remember, that some claimed that the Fort Smith court, at Fort Smith, had jurisdiction, and some claimed that the Creek courts had jurisdiction, and it was on account of the uncertainty as to which court had jurisdiction that he was not tried at that time? A That is right; yes, sir.

By Mr. Hastain:

Q They did not turn him loose, did they, Mr. Davidson? A I told you he got away.

Julia Perryman, being first duly sworn, testified as follows:

By Mr. Hastain:

Q What relation are you to Babe Hawkins? A He was my nephew.

Q You made application for his enrollment sometime ago, didn't you? A Yes, sir.

Q Is he a citizen of the Creek Nation? A Yes, sir.

Q Did he draw the \$14.40 payment? A Yes, sir.

Q Did Babe have any children? A One child.

Q What is its name? A Julia Hawkins.



4 Julia Perryman for Babe Hawkins.

By the Commission:

- Q Did you know Lewis Perryman? A No.
- Q Who drew the money for Babe Hawkins? A Why my nephew drewed it, Charley McIntosh drewed it.
- Q How many did he draw for? A Why for Babe Hawkins and Julia Hawkins, his father and the little girl.
- Q What town did Charley McIntosh belong to? A Charley McIntosh belonged to North Fork, I think it was North Fork if I remember exactly, and Babe Hawkins belonged to Canadian with me.
- Q How old is Julia Hawkins? A She was a year old before they drew that \$14.40, that is all I can tell you.
- Q Is she now living? A Yes, sir.
- Q Who was she living with in 1893? A Now I am going to tell you the truth, and I don't know nothing about figures. You all will have to talk plain to me.
- Q Well who was he living with in 1893? A His mother, is all I can tell you.
- Q Where did his mother live? A She lived in the Choctaw Nation.
- Q Where was Babe Hawkins in 1895? A Babe Hawkins was in the Choctaw Nation--down in that neighborhood somewhere on the railroad working.
- Q How do you know that he draw money in 1895? A Why his brother Charley drewed it.
- Q He simply told you that? A Yes, sir; he said he drewed it.
- Q You stated a while ago that you didn't know Lewis Perryman?
- A Yes, sir; I know the boy, that Lewis Perryman.
- Q Well, is he any kin of Babe Hawkins? A He is no kin to Babe Hawkins.
- Q Where was Lewis Perryman living in 1895? A Right here.
- Q What town did he belong to? A Arkansas.
- Q Well, you belong to Canadian town? A Canadian.
- Q Is Lewis Perryman your child? A No, sir.
- Q Any kin of yours? A He is a stepson of mine.
- Q Is the child living with you? A He is with his uncle now.
- Q How does it happen that Lewis Perryman belongs to Arkansas town?
- A Well, just because they made him different, I suppose.
- Q Is Lewis Perryman any kin to Babe Hawkins? A No, sir; I just told you he was no kin to Babe Hawkins, Lewis Perryman aint.
- Q Could Babe Hawkins have ever belonged to Arkansas town? A No, sir; he never did belong to Arkansas town; he belonged to Canadian with me.

The 1890 and 1891 omitted rolls of the Creek Nation, Canadian Town, examined, and the name of Babe Hawkins not found thereon.

The 1895 and 1895 omitted rolls of the Creek Nation, Canadian town, examined, and the name of Babe Hawkins not found thereon.

The 1895 omitted roll of the Creek Nation, Arkansas town, examined, and the name of Babe Hawkins, together with Julia Hawkins, is found thereon, Page 20.

- Q Where is Babe Hawkins now? A He is in the pen.
- Q At what place? A I disremember the place.
- Q In what state? A In Texas.
- Q How long has he been in the penitentiary in Texas? A I think it is about eight years now, if I aint mistaken.
- Q He has been there continuously during that period of time?
- A Yes, sir.
- Q Where was he before he was sent to the penitentiary, eight years ago? A Down about the Red River, in the Choctaw Nation.

5 Julia Perryman for Babe Hawkins.

Q How do you know that he was in the Choctaw Nation? A That is what he wrote and told me.

Q How long is it since he left the Creek Nation? A Well, he has been in Texas eight years.

Q Well, he left the Creek Nation before he was sentenced to the penitentiary in Texas? A Yes, sir.

Q How long was it before he was placed in the penitentiary in Texas that he left the Creek Nation? A Why he was gone, I reckon, two years.

Q Was he married? A No, he was not married here.

Q Is he married now? A Yes, sir.

Q When was he married? A That is what I can't tell--when he was married.

Q Where did he get married? A I couldn't tell that--where he got married.

Q Do you know the name of his wife? A Yes, sir; but I disremember his wife's name; I reckon I can get it.

Q Well, where is she living at now? A She was in the Choctaw Nation the last time I heard from her.

Q Is the wife of Babe Hawkins a citizen of the Creek Nation?

A No.

Q Do you know whether or not she is a citizen of any nation in the Indian Territory? A No.

Q Do you know her post office address? A I disremember it.

Q Well, what is the post office of Babe Hawkins? A I don't know.

By Mr. Hastain:

Q When the 1895 payment was made, did you afterwards see the money that was drawn for Babe Hawkins? A Yes, sir; when they drew my money, it was all in a row right there (pointing to the table).

Q Who drew it? A Eli Perryman.

Q I thought you said Charley McIntosh drew it? A Well, it must have been Eli Perryman who drew it.

Q Well, was it given to Charley McIntosh, is that the way he got it?

A I am saying that Eli Perryman must have given it to Charley McIntosh.

Q You don't know what town he drew it in? A I don't know what town he drew it in, but I know Babe used to be on the Canadian roll. They might have changed it when they drew the money; I don't know.

Q When you got this letter that you speak of coming from down there, it was sent from the Choctaw Nation? A Well, it came here the day I got that registered letter, I believe.

By the Commission:

Q Do you recollect how long Babe Hawkins resided in the Creek Nation before he left it to go to Texas? A He was raised in the Creek Nation.

Q Was he born in the Creek Nation? A He was born in the Choctaw Nation, down in there some place, when sister Mary brought him up.

Q About how old was he when he came to the Creek Nation? A About six or seven years old.

Q Then he resided in the Creek Nation from that time until he left the Territory and went to Texas? A Yes, sir.

By Mr. Hastain:

Q You are a citizen of the Creek Nation? A Yes, sir.

Q Babe Hawkins was your sister's child? A Yes, sir; my oldest sister's child.

Q And your oldest sister, who is the mother of Babe Hawkins, died before the 1890 payment was made? A Yes, sir.

**§ Julia Perryman for Babe Hawkins.**

**By Mr. McKellop:**

Q Your name is Julia Perryman? A Yes, sir.

Q How far do you live from this town, Muskogee? A I live down here by the creek.

Q How far is that? A Mile and a half.

Q You testified in this case about two years ago, did you not?

A I suppose I did.

Q How did you go to make application for the enrollment of Babe Hawkins? A Why Babe got me to do it.

Q Have you power of attorney from him to represent him in this matter? A Yes, sir.

Q Was it a regular power of attorney, or a letter from him?

A A paper.

Q Was the father of Babe Hawkins a citizen or a non-citizen?

A Non-citizen.

Q Was his mother a citizen or a non-citizen? A She was a citizen.

Q How do you know that she was a citizen? A Why she told me she was herself, before she died; she was a citizen, my sister.

Q Why she was a freedman, wasn't she? A Yes, sir.

Q Did you not state in your former testimony that her name was not on the Dunn roll? A Well, I don't know; she aint on the Dunn roll.

Q Do you know whether she is enrolled on the Dunn roll? A No, she is not on the Dunn roll.

Q And how is it that you say she is a citizen? A Why Mr. McKellop, of course, she is my sister, and she told me she was a citizen; and she was a slave, or freedman, or whatever you call it.

Q Well, all you know about it, her being a citizen, is what she told you? A Yes, and, of course, she died before she drewed the \$29.

Q How do you know that Babe is a citizen? A Why he is my sister's son.

Q Is that the reason for your believing he is a citizen--because he is your sister's son? A She was a citizen, and of course I am a citizen, and I just take her word for it the way she tells me.

Q You don't know yourself that Babe Hawkins is a citizen, do you?

A If he is raised here, I suppose he is.

Q You say he was raised here? A Yes, sir.

Q Didn't you state a while ago that he was born in the Choctaw Nation, and he was a small boy when Mary brought him back? A Yes.

Q How many years did he live here before they went back to the Choctaw Nation? A I don't know.

Q The truth of the matter is you don't know very much about Babe Hawkins, do you? A Yes, I do.

Q Why don't you tell it, then? A Because when a person in business like that, I am like an Indian--you have to talk very plain to me before I can understand.

Q Is your name on the Dunn roll? A Yes, sir; my name is on the Dunn roll.

Q And your sister, Mary's, name is not on the Dunn roll? A They hunted it and couldn't find it.

Q And she is the mother of Babe Hawkins? A Yes, sir.

**By Mr. Hastain:**

Q State whether or not the mother of Babe Hawkins, your sister, was a slave of a Creek citizen. A Why, she was a slave of a Creek citizen.

**By the Commission:**

Q Do you know any reason why Babe Hawkins could have gotten on the Arkansas town roll? A I don't know that, the town king, they fixed it up.

7 Julia Perryman for Babe Hawkins.

Douglas Perryman, being first duly sworn, testified as follows:

By Mr. Hastain:

Q Are you the husband of Julia Perryman, who has just testified?

A Yes, sir.

Q Who is Lewis Perryman? A My son.

Q By a different mother? A Different mother.

Q Well, can you explain how his name appears with the name of Babe Hawkins and Julia Hawkins on the roll? A Yes, sir.

Q All right, just explain that. A Well, the reason all three are together on the Arkansas roll is, that Lewis is on the Arkansas roll with me, and Julia, and when I went away I gave an order for the town king to draw that money; and they gave the order to Green Jackson, or McGilbra, and he turned the note over to Eli Perryman, and Eli Perryman draws the money and turn it over to Charley McIntosh. There was a dispute about Babe, for he was a boy to rove around, and he was off at this payment, that is the reason he did not draw that payments and the other two children draw, there was three of them, and the other two drew, but Babe lost those other payments by being--he was skipping here and there, coming sometimes and gone, and the last payment I was endeavoring to have his rights, and I seen him on the rolls; when I was away at the same time and then gave this order to draw it, and in drawing those three children together, why they put them together. That is the way they are on that roll.

Q Well, when Babe left here, state whether or not it was on account of that trouble about horses. A Babe got into some trouble here about it, and he came as a witness in this United States court, and they pulled Babe up in the Indian court and he skipped away.

By Mr. McKellop:

Q Were you at Muskagee when the 1895 payment was made, the \$14.40 payment? A No, sir.

Q Well you did not see this order that was sent down, then. A I made it and sent it.

Q You sent the order? A Yes, sir.

Q Who did you send the order to? A Green McGilbra--Green Jackson.

Q Well, you stated while ago that you thought it was given by Green Jackson to Eli Perryman, and Eli Perryman gave it to some other party, and the other party drew it. A No, I said that Green Jackson turned the note over to Eli Perryman. Eli drew the money and gave Charley McIntosh these two payments, and then brought the other, Lewis's, to me.

Q Well now how do you know that? A I know it.

Q How did you find that out--who told you that that was done?

A Well, there was Green told me, Eli told me and Charley told me, and I brought my part home and the other two payments were turned over to Charley McIntosh, Babe's brother.

Q Well, you were only told that these two payments were turned over, weren't you, you didn't see it? A I didn't see those two payments turned over; but I see my money.

Oliver C. Hinkle, being first duly sworn, upon his oath states that as stenographer to the Commission to the Five Civilized Tribes, he reported the proceedings had in the above entitled cause on July 1st, 1902, and that the above and foregoing is a full, true and correct transcript of his stenographic notes of said proceedings on said date.

*Oliver C. Hinkle*

Subscribed and sworn to before me this 2 day of July, 1902, at Muskagee, Indian Territory.

*J. B. [Signature]*  
Commissioner.

DEPARTMENT OF THE INTERIOR,  
COMMISSION TO THE FIVE CIVILIZED TRIBES.  
Washoe, Ind.Ter., July 11, 1902.

In the matter of the application of Julia Perryman for the enrollment of her nephew, Babe Hawkins, as a citizen of the Creek Nation.

S U P P L E M E N T A L.

By the Commission:

From an examination of the records in the office of the Commission, it appears that the name of Babe Hawkins, together with his daughter, Julia Hawkins, is listed on old Creek census card, No. 5120. On said card is noted as follows:

" Babe is the son of Joe Hawkins a noncitizen and Mary Hawkins a Creek citizen on Arkansas roll both deceased. Babe is in penitentiary in Huntsville Texas, wife a noncitizen is now in Sherman Texas and has Julia with her."



C O P Y.

48417.

RAF.

DEPARTMENT OF THE INTERIOR.

WASHINGTON.

ITD.1743-1902.

August 13, 1902.

L.R.S.

Commission to the Five Civilized Tribes,  
Muskogee, I. T.

Gentlemen:

Referring to departmental letter of April 23, 1902,  
relative to the application for enrollment of Babe Hawkins  
as a citizen of the Creek Nation, an early report in the matter  
is requested.

Respectfully,

THOS. RYAN.

Acting Secretary.

DeL.

Muskogee, Ind.Ter., August 27, 1902.

The Honorable,

The Secretary of the Interior,

Washington, D. C.

Sir:

The Commission is in receipt of departmental letter of the 13th instant, requesting an early report in the matter of the application of Julia Perryman for the enrollment of her nephew, Babe Hawkins, as a citizen of the Creek Nation.

The Commission has the honor to report that, in accordance with the instructions of the Department, of April 23, 1902, relative to the above application, it did, on May 29, 1902, notify the said Julia Perryman, and the attorneys for the Creek Nation, by registered letter, that on Wednesday, June 18, 1902, at its office in Muskogee, Indian Territory, further testimony, as may be offered by or on behalf of the applicant and the Creek Nation, concerning claimant's residence, previous to his imprisonment, and for information as to his enrollment, would be heard.

On June 18, 1902, the date set for hearing of further testimony herein, counsel for both the applicant and the Creek Nation appeared, and by agreement cause was continued to Tuesday, July 1, 1902.



On July 1, 1902, the date to which sentence herein was had, applicant, with counsel, and Creek Nation, represented by its counsel, appeared and further testimony, in accordance with instructions, was taken.

The Commission believes that the testimony offered does not warrant a reexamination of the matter, and respectfully recommends that the original decision of the Commission, rendered May 24, 1901, be approved.

The original papers in the case, to which have been attached copy of departmental letter of April 23, 1902, and copies of the notices sent to Julia Perryman and attorneys for the Creek Nation, dated May 29, 1902, together with registry receipts, and a transcript of the testimony taken July 1, 1902, are herewith returned for departmental consideration.

Respectfully,

\_\_\_\_\_  
Acting Chairman.

\_\_\_\_\_  
Commissioner.

\_\_\_\_\_  
Commissioner.

Through the

Commissioner of Indian Affairs.

Creek-77.  
Enclosure.

OCH.

On July 1, 1902, the date to which continuance herein was had, applicant, with counsel, and Creek Nation, represented by its counsel, appeared and further testimony, in accordance with instructions, was taken.

The Commission believes that the testimony offered does not warrant a readjudication of the matter, and respectfully recommends that the original decision of the Commission, rendered May 24, 1901, be approved.

The original papers in the case, to which have been attached copy of departmental letter of April 23, 1902, and copies of the notices sent to Julia Perryman and attorneys for the Creek Nation, dated May 29, 1902, together with registry receipts, and a transcript of the testimony taken July 1, 1902, are herewith returned for departmental consideration.

Respectfully,

TAMM BIXBY.

Acting Chairman.

Through the

Commissioner of Indian Affairs.

Creek-77.

Enclosure.

OCH.

C O P Y

Refer in reply to  
the following:

Land  
53805-1902.

DEPARTMENT OF THE INTERIOR,  
Office of Indian Affairs,

WASHINGTON, Sept. 16, 1902.

The Honorable

The Secretary of the Interior.

Sir:

I have the honor to transmit herewith a report made August 27, 1902, by the Commission to the Five Civilized Tribes, acknowledging receipt of Department letter of April 23, 1902 (ITD-1743) which remanded the case of Babe Hawkins, an applicant for Creek citizenship, for further investigation, and especially as to the residence of the said Babe Hawkins prior to the date of his incarceration in the penitentiary in Texas, where it appeared he had been confined seven years prior to his application.

The Commission took further evidence, but states that it is not, in its opinion, sufficient to justify a re-adjudication of the case, and therefore recommends that its former decision, now with the record, be not changed, but that Babe Hawkins' name be placed on the roll of Creek citizens.

His name appears on the 1896 omitted pay-roll for Arkansas town, and there is no evidence that it was placed thereon by fraud or without authority of law. The evidence concerning his residence in the Creek Nation is unsatisfact-

ory. That he resided in the Creek Nation for a long time is shown. He was of a roving disposition and went from place to place. He was in Texas before he was arrested and sent to the penitentiary; how long is not shown, but certainly not less than six months. However, his name was placed on the said omitted roll after his sentence to the penitentiary, and as the authorities of the Creek Nation were at that time the judges of citizenship in that nation, it seems to the office that the decision of those authorities should be considered now as final, it being shown that there was no fraud practiced or that they acted without authority of law, and that said Babe Hawkins should be enrolled, and it is so respectfully recommended.

Very respectfully,

Your obedient servant,

W. A. Jones,

WCV  
D

Commissioner.

2 inclosures.

C O P Y

DEPARTMENT OF THE INTERIOR,      BAP.  
WASHINGTON.

ITD.5747-1902.

September 23, 1902.

L.RS.

Commission to the Five Civilized Tribes,

Muskogee, I. T.

Gentlemen:

April 23, 1902, the Department remanded the case involving the application of Julia Perryman for the enrollment of her nephew, Babe Hawkins, as a citizen of the Creek Nation, with direction to you to take further testimony as to Hawkins's residence previous to his imprisonment in Texas about eight years prior to the application for enrollment, and for information as to his enrollment in the Creek Nation.

Reporting in the matter August 27, 1902, you state that you consider that the additional testimony offered "does not warrant a readjudication of the matter," and you recommend that your former decision in the applicant's favor be concurred in.

Transmitting this report September 16, 1902, the Commissioner of Indian Affairs concurs in your recommendation, stating that there is no evidence that Babe Hawkins's name was placed on the 1895 "Omitted Pay Roll" of Arkansas Town, Creek Nation, by fraud or without authority of law, that while the evidence of his residence in the Creek Nation is unsatisfactory,

it is shown that he did reside in that nation for a long time, though he was in Texas for about six months before he was arrested and sent to the penitentiary, and also that his name was placed on said roll after his sentence to the penitentiary.

Hawkins is a colored person; his parents' names are not on the Dunn roll, neither is his name found on the 1890 authenticated roll. As, however, you have been unable to show that his name was placed on the 1895 omitted pay roll by fraud or without authority of law, and as the evidence does not warrant the conclusion that he was not a bona fide resident of the Indian Territory at the time of his imprisonment in Texas, where he probably still remains, the Department is constrained to approve your decision, and it is accordingly affirmed.

A copy of the Commissioner's letter of September 16, 1902, is inclosed.

Respectfully,

1 inclosure.

Thos. Ryan.

Acting Secretary.

END.

COMMISSIONERS

HENRY L. DAWES,  
TAMM BIXBY,  
THOMAS B. NEEDLES,  
C. R. BRECKINRIDGE.

ALLISON L. AYLESWORTH,  
SECRETARY

DEPARTMENT OF THE INTERIOR  
COMMISSION TO THE FIVE CIVILIZED TRIBES.

REFER IN REPLY TO THE FOLLOWING

Creek Enrollment  
Case No. 77.

ADDRESS ONLY THE  
COMMISSION TO THE FIVE CIVILIZED TRIBES

Muskogee, Indian Territory, October 2, 1902.

Julia Perryman,

Muskogee, Indian Territory.

Dear Madam:

You are hereby advised that the Secretary of the Interior, under date of September 23, 1902, affirmed the decision of the Commission, dated May 24, 1901, enrolling your nephew, Babe Hawkins, as a citizen of the Creek Nation.

Respectfully,



Acting Chairman.

Creek-77.

Registered.



COPY

Creek Enrollment  
Case No. 77.

Muskogee, Indian Territory, October 2, 1902.

E. Hastain, Esq.,

Attorney for Babe Hawkins,

Muskogee, Indian Territory.

Dear Sir:

You are hereby advised that the Secretary of the Interior, under date of September 23, 1902, affirmed the decision of the Commission, dated May 24, 1901, enrolling Babe Hawkins as a citizen of the Creek Nation.

Respectfully,

TAMM BIXBY

Acting Chairman.

Creek-77.

COPY

Creek Enrollment  
Case No. 77.

Muskogee, Indian Territory, October 2, 1902.

A. P. McKelley, Esq.,

H. C. Reed, Esq.,

Attorneys for Creek Nation,

Muskogee, Indian Territory.

Gentlemen:

You are hereby advised that the Secretary of the Interior, under date of September 23, 1902, affirmed the decision of the Commission, dated May 24, 1901, enrolling Babe Hawkins as a citizen of the Creek Nation.

Respectfully,

TAMM BIXBY

Acting Chairman.

Creek-77.

COMMISSIONERS:  
HENRY L. DAWES,  
TANS BIXBY,  
THOMAS B. NEEDLES,  
C. R. BRECKINRIDGE.

ALLISON L. AYLESWORTH,  
SECRETARY.

DEPARTMENT OF THE INTERIOR,

COMMISSION TO THE FIVE CIVILIZED TRIBES.

ADDRESS ONLY THE  
COMMISSION TO THE FIVE CIVILIZED TRIBES.

Muskogee, Ind. Ter., FEB 1 1902, 1902.

Received on this date from the Commission to the Five  
Civilized Tribes a copy of the record of proceedings in the matter  
of the application of Babe Hawkins for enrollment as a citizen  
of the Creek Nation.

A. P. McNeely

Attorney for Creek Nation.

Creek No. 77.

CR EU 78

CR EU 78

DEPARTMENT OF THE INTERIOR,  
COMMISSION TO THE FIVE CIVILIZED TRIBES,  
MUSKOGEE LAND OFFICE, OCT. 18, 1900.

In the matter of the application of Chaney Trent for the enrollment of herself and seven minor children, Frank, Mary, Willie, Susie, Lee Drew, Benny, and Fannie C. Trent, as citizens of the Creek Nation, said Chaney Trent being first duly sworn, testified as follows:

By the Commission:

Q What is your name? A Chaney Trent.

Q How old are you? A 37.

Q What is your postoffice address? A Wagoner.

Q Have you ever been recognized by the tribal authorities of the Creek Nation as a citizen of the Creek Nation? A Yes.

Q Have you ever been enrolled by the Creek Tribal authorities as a citizen of the Creek Nation? A Yes.

Q ~~xxxxxx~~ Does your name appear upon any of the tribal rolls of the Creek Nation? A Yes.

Q To what town in the Creek Nation do you claim to belong? A Chey-  
yahah.

Q ~~xxxxxx~~ Arkansas. Did you ever belong to any other town in the Creek Nation? A Arkansas.

1890 and 1895 authenticated rolls of the Creek Nation, Chey-  
ah town examined and the name of Chaney Trent was not found on  
either of said rolls.

Q Did you ever go by any other name excepting that of Chaney Trent?

A Yes, I went by my father's name before I was married.

Q Well, what was your father's name? A Richard Atkins

Q Before you were married you went by the name of Chaney Atkins?

A Yes sir.

The 1890 authenticated roll of the Creek Nation, Arkansas town,  
examined and the name of ~~xxxxxx~~ Chanie Atkins found thereon at page  
41.

The authenticated roll of 1895 of the ~~xxxxxx~~ <sup>Creek</sup> Nation, Arkansas  
town, examined and the name of Chanie Atkins is not found thereon.  
Did you ever appear before the Commission to The Five Civilized Tribes  
for enrollment before this time? A No sir.

The records of the Commission to the Five Civilized Tribes  
examined and the name of Chaney Trent together with the names of  
five of her children, Frank, Mary, Willie Lee Drew and Bonnie Trent  
were found to be enrolled on census card number 110.

Q Did you draw \$29 for yourself in 1890? A Yes.

Q Did you draw \$14.40 from the Creek Nation in 1895? A No sir.

Q Did you make an attempt to get the money at that time? A Yes.

You were dropped from the Creek rolls in '95 were you not? A I don't  
know sir.

Q For whom are you applying for enrollment at this time besides your-  
self? A My seven children.

Q What are the names and ages of your seven children? A Frank,  
20 years old; Mary 18 years old; Will 16 years old; Susie 8 years  
old; Lee Drew 6 years old; Bennie 4 years old, and Fannie C. 18  
months old.

Q You are the mother of all these children? A Yes.

Q Are they all now living? A Yes.

Q Who is the father of these children? A Jim Trent.

Q Is he now living? A Yes.

Q Is he a citizen of the Creek Nation? A No sir.

Q Is he a citizen of any Nation in the Indian Territory? A I don't  
know sir.

Q Have your seven minor children ever been recognized by the tribal authorities of the Creek Nation as citizens of the Creek Nation?

A Yes, I guess so, they have drawn money and went to school with them and never been no complaint; they voted with them-- my oldest boy.

Q Have they ever been enrolled on any of the Creek tribal rolls as citizens of the Creek Nation? A Yes, I guess so, I could not tell; all I know is by them drawing money; I don't know how you mean.

Q Did you ever draw any money for them from the Creek Nation? A Yes.

Q For how many of your children did you draw money? A Three.

The 1890 and 1895 authenticated rolls of the Creek Nation, Chequoyah town, examined and the names of none of these seven minor children are found thereon.

The 1890 and 1895 authenticated rolls of the Creek Nation, Arkansas town, examined and the names of none of these children found thereon.

Q Is the father of these minor children a United States Citizen?

A Yes.

Q What was your father's name? A Richard Atkins?

Q Was he a citizen of any nation in the Indian Territory? A Yes, he was a Creek citizen.

Q Is he now living? A No sir.

Q During his lifetime was he recognized as a citizen of the Creek Nation by blood or adoption? A By adoption.

Q Was your father ever recognized by the tribal authorities of the Creek Nation as a citizen of the Creek Nation? A Yes.

Q Was he ever enrolled by the Creek tribal authorities as a citizen of the Creek Nation? A Yes.

Q Does his name appear upon any of the tribal rolls of the Creek Nation as a citizen of the Creek Nation? A Yes.

Q What town in the Creek Nation did he belong to? A He first belonged to the Arkansas town and then to Cheyannah.

The 1890 authenticated Creek roll examined, Arkansas town, and the name of Richard Atkins found thereon at page 41.

The 1895 authenticated roll of the Creek Nation, Arkansas town, examined and the name of Richard Atkins was found thereon number 1326.

Q Your father was dropped from the rolls of the Creek Nation in 1895 was he not? A I don't know, sir.

Q Was your father ever enrolled by the Commission to the Five Civilized Tribes as a citizen of the Creek Nation? A No sir.

The records of the Commission to the Five Civilized Tribes examined and the name of Richard Atkins is found to be enrolled with seven of his children on Creek census card No. 142 on which card appears the following notation written in lead pencil, "Denied December 20, 1899, T.B."

Q What was your mother's name? A Lettie Shannon

Q Is she living? A No sir.

Q How long ago did she die? A I don't know, sir.

Q During her lifetime was she a recognized citizen of any nation in the Indian Territory? A No sir.

Q She was a United States citizen then? A Yes.

Q Was your father admitted to citizenship in the Creek Nation by Creek council? A Yes.

Q Do you know when? A No sir, I don't know exactly.

The laws of the Creek Nation of 1893 examined and it appears on page 103 of said laws that Richard Atkins was adopted by the Creek council in 1890.

Q Were you or any of your children ever adopted as citizens of the Creek Nation by the Creek council? A All I know is what my father said, we was all adopted together at the same time he was.

The laws of the Creek Nation 1893 examined and the names of Chaney Trent nor any of her said minor children cannot be found thereon.

Q Where do you reside? A Ten miles west of Arkansas Wagoner.

Q How long have you resided there? A 10 years.

Q Do you own a home there? A Yes.

Q Have all of these minor children resided with you continuously for the past 10 years at your home near Wagoner? A Yes.

Q Have you been out of the Indian Territory during the past ten years? A No sir.

Q Have any of your children been outside of the Indian Territory during the past ten years? A No sir.

Q Does your father's name appear upon the Dunn roll? A I don't know.

The roll of Creek freedmen made by J. W. Dunn in 1867 is examined and the name of Richard Atkins is not found thereon.

Q Does your name appear upon the Dunn roll? A I don't know.

The roll of Creek freedmen made by J. W. Dunn in 1867 examined and the name of Chaney Atkins nor any person answering her description is not found thereon.

Q Did your father draw \$14.40 for himself and family in 1895? A Yes he did, and some of the children, but I don't know how many.

Q How do you know that? A Because my father told me.

Q Did he ever tell you that his name and that of his children was taken from the rolls of '95? A No sir.

Case continued in order to allow applicant to introduce further testimony.

Brown McDonald, having been first duly sworn, upon his oath states that as stenographer to the Commission to the Five Civilized Tribes, he reported in full all proceedings had in the above entitled cause on the 18th day of October, 1900, and that the above and foregoing is a full, true and correct transcript of his stenographic notes of said proceedings on said date.

*Brown McDonald*

Subscribed and sworn to before me this 22nd day of October, 1900.

*Guy L. Emerson*  
Notary Public.



DEPARTMENT OF THE INTERIOR  
COMMISSION TO THE FIVE CIVILIZED TRIBES.  
MUSKOGEE, I. T. NOVEMBER 28, 1900.

In the matter of the application of Chaney Trent for the enrollment of herself and her seven minor children, Frank, Mary, Willie, Busie, Lee Drew, Benny and Fannie C. Trent, Wiley McIntosh being duly sworn, testifies as follows:

- Q What is your name? A Wiley McIntosh.  
Q How old are you? A 44.  
Q What is your post office? A Muskogee, I. T.  
Q Are you a citizen of the Creek Nation? A Yes sir.  
Q How long have you resided in the Creek Nation? A Ever since the treaty of 1868.  
Q Have you filed on your allotment of land in the Creek Nation? A Yes, I have.  
Q Have you ever held any official position in the Creek Nation? A Yes.  
Q Do you know hold any official position? A Yes sir.  
Q What position do you now hold? A A member of the House of Warriors.  
Q Do you know Chaney Trent who makes application for enrollment as a citizen of the Creek Nation? A Yes sir.  
Q To what town in the Creek Nation do you belong? A Arkansas Colored town.  
Q Do you know anything about the making of the rolls of that town? A Yes sir.  
Q Did you hold any official position in the Creek Nation in 1890? A Yes sir, I was Secretary of the Arkansas Colored Town.  
Q Were the names of Richard Atkins and his children placed on the Arkansas town roll in 1890? A Yes sir, they were.  
Q By what authority were they put on the 1890 roll? A Well, Richard Atkins proved to the national council that he was an Indian by his father, that is a Creek Indian Through his father, that he was adopted by the national council in the year 1890.  
Q Were his children adopted with him by the act of Council? A No.  
Q Then by what authority were the children of Richard Atkins placed on the 1890 Arkansas roll? A They went with him.  
Q Did you hold any official position in 1895? A Yes sir. I was Secretary of the Arkansas Colored town at that time.  
Q Were any of the names of Chaney Trent and her children dropped from the rolls in the year 1890? A I don't know.  
Q Do you know whether or not they drew any money in that year? A I knew he drew money for himself and some children.  
Q You are not positive that he drew any money for his own children? A I am not positive that he drew any money for his own children, but he said he did.  
Q Were you a member of the Council in 1895? A Yes sir.  
Q Isn't a matter of fact that the question of Chaney Trent and her children was brought up in 1895? A I don't know.  
Q Do you know whether or not, Chaney Trent had any trouble in regard to her citizenship in the Creek Nation? A No sir, I don't know.  
Q Did she ever apply to the Colbert citizenship Commission for reinstatement as a citizen of the Creek Nation? A Not that I know of.  
Q Did she ever apply to the Dawes Commission in 1896 for admission to citizenship in the Creek Nation? A That I don't know.  
Q Do you know how long she has lived in the Creek Nation? A No sir.

#2. Chaney Trent.

Q Do you know how many children she has? A No sir. I don't know.

Q Do you know of your own personal knowledge whether or not the names of Chaney Trent and ~~together~~ with that of her children are on the 1895 Arkansas town roll? A No sir.

Q Was you a secretary of the Arkansas town in 1895? A Yes, I was.

Q You would be likely to know whether their names are on the roll, would you not? A I don't know.

By Mr. Twine.

Q Mr. McIntosh, is it not a fact that where a man was adopted as an Indian by blood and was the father of the children who had negro blood, that these children were assigned to a colored town? A Yes, sir.

Q Did the Council in 1895 order that Chaney Trent and her children be stricken from the rolls of the Arkansas town? A I don't know.

Q You do know that as secretary of the Arkansas town, that you did at one time enrolled the names of Chaney Trent and her children on the Arkansas roll? A I only know that I enrolled Richard Atkins and some children.

Q Was this shortly after Richard Atkins was admitted to citizenship?

A Just after the adoption of Richard Atkins.

Q When was Richard Atkins admitted adopted by the Creek Council?

A I think it was in 1890.

Q Are there any other statements that you desire to make at this time in regard to this application? A No sir.

Lona Cummings having first being duly sworn, upon her oath states that as stenographer to the Commission to the Five Civilized Tribes, she reported in full all proceedings had in the above entitled cause on the 28th day of November, 1900, and that the above and foregoing is a full, true and correct transcript of her stenographic notes, of said proceedings on said date.

Lona Cummings

Subscribed and sworn to before me this 30 day of Nov  
A. D., 1900.

G. L. Emerson  
Notary Public.

DEPARTMENT OF THE INTERIOR  
COMMISSION TO THE FIVE CIVILIZED TRIBES.  
MUSKOGEE, I. T. NOVEMBER 28, 1900.

In the matter of the application of Chaney Trent for the enrollment of herself and her seven minor children, Frank, Mary, Willie, Susie, Lee Drew, Benny and Fannie G. Trent, Tackey Grayson being duly sworn, testifies as follows:

By the Commission.

- Q What is your name? A Tackey Grayson.  
Q How old are you? A 54.  
Q What is your post office? A Cheska.  
Q Are you a citizen of the Creek Nation? A Yes sir.  
Q How long have you resided in the Creek Nation? A All my life.  
Q Have you been enrolled by the Dawes Commission as a citizen of the Creek Nation? A Yes sir.  
Q Have you filed on your allotment of land in the Creek Nation? A Yes sir.  
Q Have you held any official position in the Creek Nation? A Yes sir.  
Q What position? A Private light-horse captain for four years, and a member of the legislature for eight years.  
Q Were you a member of the House of Warriors or the House of Kings? A House of Warriors.  
Q You know Chaney Trent, who is an applicant for enrollment as a citizen of the Creek Nation? A Yes sir.  
Q How long have you known her? A For the last 9 or 10 years.  
Q Have you been personally acquainted with Chaney Trent? A Yes sir.  
Q How many <sup>children</sup> has she got? A She had to my knowledge, she may have had more.  
Q Do you know the father of Chaney Trent? A Yes sir.  
Q What is his name? Sometimes called Dick and sometimes called Richard Atkins.  
Q Is he now living? A He's dead.  
Q Was he a citizen of the Creek Nation? A Yes sir.  
Q How did he become a citizen of the Creek Nation? A He was a son of a full blood Indian, and he never came back until after the expiration of the time allowed, and then came before the Council and made application for citizenship.  
Q Did he make application to the Creek authorities? A Yes sir.  
Q To what tribunal did he make application for admission for citizenship? A He made application to the Creek Council for citizenship.  
Q Was he admitted to citizenship by the Creek Council? A Yes sir.  
Q What year was it that he was admitted? A I think it was in the year, 1890.  
Q Were you a member of the Council at that time? A No sir.  
Q How do you know that he was admitted to citizenship in the Creek Nation? A I was present in the Council chamber when he was admitted by the Act of Council.  
Q Was Chaney Trent admitted by the Creek Council as a citizen of the Creek Nation? A No sir.  
Q Were any of Chaney Trent's children admitted to citizenship by the Creek Council? A Not that I knew of.  
Q Do you know how old Chaney Trent is? A No sir.  
Q Do you know whether the name of Chaney Trent and those of her seven children were placed on the Creek Rolls? A Yes sir.  
Q To what town in the Creek Nation did they belong? A Arkansas town, but was transferred to Cheyahah town.

#2. Chaney Trent.

Q. Were they ever dropped from the rolls of the Creek Nation? A. Not as I know of.

By Mr. Tamm, Counsel for applicant.

Q. What was the action of the Creek Council in admitting the children when their father had been admitted as a Creek by blood? A. Why the children follow the father.

Q. Was that true, if the children were grown people, that is, of age, wouldn't they live in the Creek Nation? A. They follow their father.

Q. Was that the custom in the Richard Atkins' case? A. Yes sir, by the commission.

Q. Was it the custom to follow their mother then? A. They follow their father if he was a citizen.

Q. Wouldn't they follow their mother if she was a citizen? A. Yes sir.

Q. Do you know the mother of Chaney Trent? A. Yes sir.

Q. What was her name? A. I don't know, I only know her as Mrs. Atkins.

Q. Was she a citizen of the Creek Nation? A. Her own husband said she wasn't.

Q. Are there any other statements that you desire to make at this time in regard to this application? A. No sir.

Lona Cummings having been first duly sworn, upon her oath states that as stenographer to the Commission to the Five Civilized Tribes, she reported in full all proceedings had in the above entitled cause on the 28th day of November, 1900, and that the above and foregoing is a full, true and correct transcript of her stenographic notes, of said proceedings on said date.

Lona Cummings

Subscribed and sworn to before me this

30 day of Nov

A. D., 1900,

Wm. L. Emerson  
Notary Public.

DEPARTMENT OF THE INTERIOR,  
COMMISSION TO THE FIVE CIVILIZED TRIBES.  
Muskogee, Ind.Ter., July 23, 1903.

In the matter of the application for the enrollment of  
CHANEY TRENT, et al., ~~as~~ <sup>applicants</sup> ~~of~~ <sup>of</sup> the Creek Nation.

APPEARANCES: Harry G. Davis, and Thomas A. Harrison.  
Attorneys for applicants.  
A.P. Murphy, Attorney for Creek Nation.

EXAMINATION BY THE COMMISSION.

- Q What is your name? A Choney Trent.  
Q How old are you? A I believe it is 39 years old.  
Q What is your post office address? A Wagoner.  
Q Are you the same person who appeared before the Commission October 18, 1900, and made application for the enrollment of yourself and your seven minor children as citizens of the Creek Nation. A Yes sir.  
Q Where were you born? A Missouri.  
Q How long did you live in Missouri? A When I came here I was 22 years old, as near as I know.  
Q Did you live in Missouri from the time you were born up to the time you were 22 years of age? A Yes sir.  
Q How long have you resided in Indian Territory? A Well I don't know exactly. I have been here ever since I was that age up to the present time.  
Q Do you remember when your father, Richard Akdins, was admitted to citizenship in the Creek Nation? Do you remember the circumstances, I don't care about the date -- do you remember of his being admitted? A Yes sir.  
Q Did you reside in the Creek Nation at that time -- was you living here at that time? A Oh, Yes sir.  
Q How long before that time was it that you came to the Creek Nation? A Why I was already here, I had been here.  
Q Well how long had you been here then? A I don't know exactly; I must have been here about three years, as well as I know, haint for certain.  
Q Did you draw any money from the Creek Nation in 1895, that is the \$14.40 payment? A Yes, sir.  
Q You drew that money? A Yes sir.  
Q To what town in the Creek Nation did you belong at that time? A Cheyaha Town.  
Q Did you also draw money for your children at that payment? A Yes sir.  
Q How many times have you drawn money for yourself and your children from the Creek Nation? A Twice.  
Q Did you draw money in 1890, that was the \$29 payment? A Yes sir.  
Q You drew for your children then living also at that time? A Yes sir.

The 1895 Pay Roll of the Creek Nation, Cheyaha Town, examined and the name of Chaney Trent, nor any of the children embraced in this application, not found thereon.

Q In the testimony given by you on October 18, 1900, the following question was asked you: "Did you draw \$29 for yourself in 1890?"

Answer: "Yes". Then the following question was asked: "Did you draw \$14.40 from the Creek Nation in 1895?" Answer: "No sir". The following



Chaney Trent, witness.

-2-

Examination by the Commission.

Question was also asked: "Did you make an attempt to get the money at that time?" Answer: "Yes". The following question was also asked: "You were dropped from the Creek rolls in '95 were you not?" Answer: "I don't know sir". Now are you positive that you drew \$14.40 for yourself and your children in the Creek Nation in 1895?

A Yes sir, I sent an order to that effect. I didn't go, but then I just sent an order.

Q To whom did you give that order? A Ellis Childers.

The 1895 doubtful roll of citizens of the Creek Nation, Arkansas Town, examined, and the names, Chaney, Frank, Willie and Lee Trent, found thereon.

Q Do you claim that your and your children were transferred from Arkansas to Cheyaha Town? A Yes sir.

Q When was that transfer made? A I don't know, sir, I don't know the dates, but then I know when they done it, but then I don't know the year and the date.

Q Was it before or after the 1895 payment, or do you remember?

A I don't remember. You see my father always done all the business and we didn't have anything to do with it; he just went ahead, and it was all right with us. I just know that he went in all.

Q Did you make application to the Colbert Citizenship Commission to have your rights settled, as a citizen of the Creek Nation?

A I don't know, sir, Pa went out there to do something, but then I don't know anything about it.

Q Was your claim to citizenship in the Creek Nation disputed at that time? A Not that I know of.

The records of the Colbert Citizenship Commission of the Creek Nation, in the possession of the Commission, examined, and at page 248 of said record the following entry appears:

Case: See D.B. Page 11.

Okmulgee M.N.

July 24th, 1895.

Hon. Citizenship Commission

Okmulgee I.T.

The undersigned claims and alleges that she is the daughter of Richard Adkins, who was admitted by the National Council of 1890, by reason of Creek blood proven satisfactory to the Committee on citizenship and the National Council that he was the son of Thomas Adkins a well known citizen of the Creek or Muskogee Nation. Being the daughter of said Richard Adkins she as well as her children inherited a right in the Creek Nation with her father Richard Adkins and was so admitted by the authorities of the Nation. During the Council of April 1895 which investigated the census rolls by some reason unknown to the claimant her name as well as her childrens names were erased from the rolls while allowing her father, brothers and sisters to remain on the rolls. The undersigned further alleges and claims that such action of the National Council has done an unjust to her and deprives her and her children their inherited rights.

The undersigned pray to your honorable Commission to take the matter in consideration and relieve her of being unfairly and wrongfully deprived of her vested rights to this your humble petitioners ever pray. The above mentioned persons are members of the Arkansas Colored Town.

Richard Adkins )Witnesses  
E.B.Children )

Applicants Chaney Trent  
Frank Trent  
Mary Trent  
William Trent  
Leah Trent

W.A.Rentue

Atty

Shaney Trent, witness.

By the Commission,

On the next page of said record, the following appears:

Case 24 Centd

Bond for Fifty Dollars signed by Richard Adkins as principal and R.B. Childers as surety was filed and approved by

J.H. Lynch

James Colbert

Clerk

Pres Commission

STATEMENT BY THE COMMISSION:

No further action appears from said record to have been taken in the matter of said application.

DIRECT EXAMINATION

BY JOHN THOMAS.

Q You have heard this application that has been read here: Did you make that application? A Yes sir.

Q You did? A Yes sir.

Q Were you before the Colbert Commission at the time your names were stricken off the Arkansas Town roll? A No sir.

Q Did you have a hearing at all in the matter? A No, sir.

Q Your name, then, was stricken off of the Arkansas Town roll without your knowledge or consent, and without your knowing anything about it?

A I didn't know anything about it.

Q Well if they struck your name off of the Arkansas Town roll, that was just right wasn't it, you didn't belong there at that time?

A No I didn't belong there.

Q Your names and these of your children -----

BY A.P. MURPHY: Judge, will you excuse me a minute? You don't claim that the Colbert Commission struck them off, do you?

BY JOHN R. THOMAS: She don't know who did it; we don't either.

BY JOHN R. THOMAS .

Q Do you know who struck your names off? A No sir; I don't know anything about it.

Q Your citizenship had been transferred from Arkansas Town to Cheyaha town? A Yes, sir.

Q Did you ever know or hear of your names being stricken off of the Cheyaha Town roll? A No sir.

Q Do you know, as a matter of fact, whether your name appears on the census rolls of Cheyaha Town, Creek Nation, 1896 -- the roll that is in the Chief's office -- do you know whether you and your children's names appears on that roll? A (No response).

Q If you don't know -----? A No, I don't know, sir.

Q You didn't examine the roll? A No sir; examined the roll, but I don't know what roll it was.

Q What did you say? A No sir.

Q Well you know that your name and that of your children appears on the Cheyaha Town roll that is now on file in the Chief's office, don't you? A Yes sir.

Q You know it appears there? A Yes sir.

Q You stated, I believe, that you had lived in the Creek Nation three years prior to the time your father, Richard Adkins, was admitted to Creek citizenship by the National Council of the Creek Nation?

A Yes sir.



Chaney Trent, witness.

Direct examination by John R. Thomas.

Q What was your grandfather's name? A Thomas Adkins.

Q Was he an Indian or a white man? A He was Indian.

Q What kind of an Indian? A Creek Indian.

Q A Creek Indian? A Yes sir.

Q In the matter of being transferred, having your names transferred from Arkansas Town to Cheyaha Town, did I understand you to say that your father attended to the business? A Yes, sir; my father attended to the business.

Q Richard Adkins? A Yes, sir.

Q That is all you know about it, Chaney? A Yes, sir; that is all I know about it.

Q You say that the \$14.40 each that was drawn for you was collected for you by Ellis Childers? A Yes, sir; Ellis Childers.

Q And the money was paid by him to you? A Yes, sir.

#### CROSS EXAMINATION.

BY A.P. MURPHY.

Q Where did you father live before he came to the Indian Territory?

A He lived in Missouri.

Q In Missouri? A Yes, sir.

Q And you was born in Missouri? A Yes, sir.

Q Do you know the date of your birth? A No, sir; I don't.

Q Do you know what year it was that you came to the Indian Territory?

A No, sir; I don't know exactly at all.

Q How long did you say you lived in Missouri? A Why I guess I was about 22 or 23 years old; I don't know exactly.

Q Then you lived in Missouri 22 or 23 years? A Yes sir.

Q Then you moved to the Indian Territory? A Yes, sir.

Q Where did you move to from Missouri, right direct to the Indian Territory? A Yes, sir.

Q Who came here first, you or your father? A N I did.

Q Where did you move to first in the territory? A (Q) Where did I move to?

Q (A) Yes. A (Q) On the land, you mean?

Q (A) Yes, what part of the territory. A Why down here on the Gibson Station was the place I got off, and Gabriel Jamison's that I went to.

Q How long did you stay there before you went back to Missouri?

A Well, I don't know, sir.

Q Well about how long? A Well I just don't know, three years, I guess, though.

Q Three years, and then you went back to Missouri? A Yes, sir.

Q Well then how long did you stay in Missouri? A I just went on a visit, just a little while; I don't know, exactly ----

Q About how long? A ----but it may have been two months ; I don't know exactly.

Q Well where did you go when you left Missouri? A Came back here.

Q And been here ever since? A Yes, sir.

Q You testified before the Commission here on the 18th day of October, 1900, didn't you? A Yes, sir,--- I don't know nothing about the date ----

Q Well you testified here before the Commission - you are the same Chaney Trent that testified here once before? A Yes, sir.

Q Was the testimony that you gave at that time true? A As near as I know.

Q As near as you know? A Yes, sir; as near as I know;

Q At the time you testified here before, how long had you been living in the Creek Nation? A Well I don't know; I didn't keep up with the time and the date, and I just couldn't tell you.

Chaney Trent, witness.

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Cross examination by A.P.Murphy.

- Q Well can you say about how long? A (No response.)
- Q Can you tell about how long it was? A No sir.
- Q Did you marry in the Indian Territory? A No, sir.
- Q Where did you marry? A Married in Missouri.
- Q In Missouri? A Yes sir.
- Q That was before you ever came to the Indian Territory, was it, you were married? A Yes sir.
- Q What name did you go by after you was married? A (Q) What name?
- Q (A) Yes. A Chaney Adkins.
- Q After you were married? A Oh no sir; Chaney Trent after I was married.
- Q And since you have been married, you have always been known by the name of Chaney Trent? A Yes, sir.
- Q Your father knew when you was married, didn't he? A Yes, sir.
- Q What did he always call you? A (Q) Call me?
- Q (A) Yes. A Chaney.
- Q Chaney what? A Chaney Adkins.
- Q After you were married? A No, sir; Chaney Trent.
- Q And he always called you Chaney Trent after you were married?
- A Yes, sir.
- Q Where did you go to draw this \$14.40 payment you talk about, in 1895? A Why I didn't go at all. I sent an order by Mr. Ellis Childers
- Q Well what did he do? A He brought me the money back.
- Q Brought you the money back? A Yes, sir.
- Q How much did he bring you? A Well I don't know exactly.
- Q Well was it as much as \$50? A Well it was done up kin o' in a debt, and I just made the order to pay him what I owed him.
- Q And you never did see the money then, did you? A No sir; it just settled the debt I owed him.
- Q Then the money wasn't given to you? A No sir; only just the receipt that he signed.
- Q He signed the receipt? Did he sign it, or the receipt that you gave? A Well he just gave me a little written receipt. I guess he signed it. Makes good, he said, just call it paid. Couldn't tell who signed it.
- Q When you first discover that you had been dropped from the 1895 pay rolls of the Creek Nation? A Well I don't know, sir, no more then just what I heard other people say.
- Q Well when you first knew it? A (No response.)
- Q When did you first discover that you had been dropped from the rolls? A Well I don't know, sir; didn't know it until I came before the Commission and they told me.
- Q When was that? A Well I don't know the date of that.
- Q This time that you came and gave this evidence, was that the first time you knew about it? A Yes, sir; that was the first I knew about it, only just what I heard outside people say.
- Q You say you made this application here on July 24, 1895? Didn't you know it at that time, the time you made that application?
- A Well it was whenever I made the application? I don't know when that was.
- Q Well you did know it at that time, did you not? A After they told me.
- Q I mean in '95, at the time you made this application on July 24, 1895? (No response.)
- Q Well at the time you made the application to the Colbert Commission, you knew it at that time, didn't you? A Well I don't know anything about the Colbert Commission. The old man might have knowed, I didn't know anything about it.
- Q Do you know when this application that was referred to in this Colbert Commission record, do you remember of making that application?
- A No sir; I don't remember anything about it.

Shaney Trent, witness.

Cross examination by A.P. Murphy.

- Q Do you remember the time you made it, don't you, at Okmulgee?
- A No sir; I don't know anything about it.
- Q Do you remember what year you was married in? A No sir.
- Q How long have you been married, do you know that? A Well, sir, I don't know exactly how long.
- Q About 21 years, haven't you, or 22? A Yes, sir; I reckon I have been married about that long.
- Q You say that you know that your name, and that of your children, appears upon a roll in the Chief's office? A Yes, sir.
- Q How do you know that? A Why Mr. Childers read it over to me, called in there after it.
- Q Can you read and write? A No, sir.
- Q Then you don't know, only by what somebody told you? A That is all.
- Q What did you say your grandfather's name was? A Thomas Adkins.
- Q Did you ever see him? A No, sir.
- Q How do you know he was an Indian? A Why by what other people said.
- Q Just what somebody told you? A Yes sir.
- Q Now in 1890, at the \$29 payment, did you draw that money?
- A Yes, sir.
- Q Yourself? A (Q) Myself?
- Q A Yes. A No, sir; I sent an order by Mr. Gabriel Jamison.
- Q Did you get the money? A Yes, sir.
- Q How much did you get? A Well I don't know exactly how much it was, knowed, too, but I have just forgot about it.
- Q Did you draw any money at that time for Bennie Trent? A No, sir.
- Q Did you draw any for Lee Drew? A No, sir.
- Q Did you draw any for Susie? A No, sir.
- Q Well who did you draw for? A Frank, Mary and Willie.
- Q Frank, Mary and Willie? A Yes sir.
- Q Now who did you draw money for in 1895, did you draw any for Bennie in 1895? A No sir.
- Q Well who did you draw for? A Frank, Mary and Willie, I won't be sure whether I drew any for Susie or not, but I know I did for these three children.

BY THE COMMISSION.

- Q Did you draw for Lee Drew at that time? A No, sir.

BY A.P. MURPHY.

- Q Where was Frank Trent born? A Missouri.
- Q How old was he when you came to the Territory? A He was 4 years old -- he was 4 years and a half old.
- Q Well where was Mary born? A She was born in Missouri.
- Q Where was Willie born? A Here in the Territory, in the Creek Nation.
- Q Susie born in the Creek Nation? A Yes, sir.
- Q Lee Drew? A Yes, sir.
- Q Bennie and Fanny also? A Yes, sir.

BY THE COMMISSION.

- Q Did you ever make application to the Creek National Council to be admitted to citizenship in the Creek Nation -- that is, to the Creek National Council, you, yourself, I am not talking about your father now? A No, sir.

RE-DIRECT EXAMINATION.

BY JOHN R. THOMAS.

- Q Was your father born in the Creek Nation or somewhere else?
- A In the Creek Nation.
- Q Richard Adkins was born in the Creek Nation? A Yes, sir.

Chaney Trent et al.  
Chaney Trent, witness.

Redirect examination by John R. Thomas.

Q And he left here and went to Missouri? A Yes, sir.  
Q But then came back and was admitted to citizenship? A Yes, sir.

RE-CROSS EXAMINATION.

BY A.P. MURPHY.

Q How do you know that your father was born in the Creek Nation?  
A Well, by what his mother said.  
Q By what somebody told you? A Yes, sir.  
Q How long did he live in Missouri after you went back? A I don't know, sir.  
Q He staid there and came down here after you came, didn't he?  
A Yes, sir.  
Q He was there all the time that you can remember, wasn't he?  
A I don't know.  
Q Well into the best of your knowledge? A I don't know.  
Q Didn't you live with him in Missouri? A Yes, sir.  
Q And all the time that you remember of he was living in Missouri until he came down here after you did? A Yes sir.  
Q Had his home there in Missouri? A Yes sir.

BY THE COMMISSION.

Q Now these matters that you have stated, you just know that as a matter of family history? A Yes, sir, that is all I know.

RE-DIRECT EXAMINATION.

BY JOHN R. THOMAS.

Q Did your father tell you that he was born in the Creek Nation?  
A Yes, sir.  
Witness excused.

William McIntosh, being first duly sworn, testified as follows:

EXAMINATION BY THE COMMISSION.

Q What is your name? A William McIntosh.  
Q How old are you? A I am along about 67.  
Q What is your post office address? A Ridge.  
Q Are you a citizen of the Creek Nation? A Always.  
Q To what town in the Creek Nation do you belong? A Arkansas.  
Q Do you know Chaney Trent? A Yes, sir.  
Q Do you know her children? Frank, Mary, Willie and Lee Drew?  
A I know them by reputation -- by their father.  
Q Did you know the father of Chaney Trent? A Yes, sir.  
Q What was his name? A Adkins -- I have forgot the first part of his name -- Richard I think.  
Q Do you know whether Chaney Trent and her four children, Frank, Mary, Willie and Lee Drew, were ever admitted to citizenship in the Creek Nation by the Creek Council? A They were admitted, yes sir.  
Q They were admitted? A Admitted.  
Q Was Chaney Trent's father, Richard Adkins, admitted to citizenship in the Creek Nation? A Yes sir.



William McIntosh, witness.  
By the Commission.

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Q And you say his daughter, Chaney, was admitted by the Council at the same time? A The old man made the application, and we just supposed if he went through his children went through.

Q Was the name of Chaney Trent Adkins included in that application for admission? A I don't know, but then the old man made the application.

Q Did he make the application for himself alone, or did he include his children? A For himself and his family.

BY A.P.MURPHY. The Creek Nation objects to any evidence in relation to the enrollment of the applicants, for the reason that this matter was fully determined by a decision of the Commission, dated May 24th, 1901; that a petition for rehearing was filed by the applicants on November 16, 1902; that said rehearing was, by the Secretary of the Interior, granted on April the 4th 1903, by letter No. I.T.D. 594-1903, in which it was remanded for rehearing to inquire into certain facts; that such is not one of the facts the Department requested information or evidence upon.

BY JOHN R. THOMAS. The petitioner, or the claimants for citizenship Chaney Trent and her children, insists on this testimony as being proper under the instructions of the Department, and as a legitimate part of the investigation, for the purpose of showing the true situation of affairs in this cause, and is necessary for the correct determination of the questions involved.

BY THE COMMISSION: Statements of the attorneys will be noted.

BY JOHN R. THOMAS: And for the further reason, that motion to dismiss this proceeding was made by the Creek Nation, through its attorney, A.P.Murphy, and said motion was overruled by the Department, and the Commission to the Five Civilized Tribes directed to proceed with the investigation.

BY A.P.MURPHY: The Creek Nation only appears here to inquire into the information desired by the Department in its letter heretofore referred to, and for no other purposes.

BY JOHN R. THOMAS: The claimant protests that this investigation is being made for the benefit and information of the Department, and not being for the Creek Nation, and therefore the Creek Nation has no right or power to object to a full and complete investigation by the Commission to the Five Civilized Tribes, under the direction of the Department.

BY THE COMMISSION.

Q Were you a member of the Creek Council in 1890? A I don't know the date of the time. Just before Porter's administration, I served the four years before that.

Q Is that the only time you have served as a member of the Council?

A Oh, I have been a member of the Council all the way through, now and then.

Q Were you a member of the Council at the time that Richard Adkins was admitted to citizenship? A No, sir; but I was there.

Q Was you present at the Council when Chaney Trent was admitted to citizenship? A Yes, sir.

Q Did you hear her name read out as having been admitted?

A I heard it reported there, and I had many reasons to satisfy me that they were admitted,-- because I had a notice from the judge that they were admitted, and that was one of our laws, that they were to be admitted.

Q What judge was that? A Judge Childers/

William McIntosh, witness.  
By the Commission.

Q Was that notice given to you as a judge? A No, the judge handed it down to me as a town king, that is, to transfer these people, they were full citizens.

Q When was that? A That was when I was town king.

Q Was this you town king at the time of the 1895 payment? A No, sir, that was before my time. I came directly afterwards.

Q Is that the only time you was ever town king? A Yes, sir, that one time, but I have been a legislator a long time.

Q Did Richard Adkins make application to you, during your term as town king, for a certificate of transfer from Arkansas Town to Cheyaha Town, for himself, and Chaney Trent and her four children that I named to you? A Yes, sir.

Q Were the names of Chaney Trent and her four children on the Arkansas Town roll at that time when he made that application?

A It wasn't on the one that I had; it was on the one that Gabriel Marshall had.

Q How do you know it was on the town roll Gabriel Marshall had?

A Because the judge told me.

Q Now tell just what you know that occurred about this transfer.

A Judge Childers -- this here Adkins came to me and wanted to be transferred to Cheyaha Town, I had refused it on account that it wasn't on my roll. It was on Gabriel's roll, and he went back and came back with a letter from Judge Childers that they were parties that were admitted by the Creek Council, and it was on Gabriel's roll, and I must transfer him, and I wrote out a transfer to Cheyaha Town.

Q Did you transfer them to Cheyaha Town without knowing of your own knowledge that they were on the rolls of Arkansas Town? You did it solely because Childers wrote you that they were on the Arkansas roll? A I saw Gabriel, and he told me it was on the roll, and Childers wrote to me it was all right, and I transferred them on that ground. Our laws of the Creek Nation at that time -- all persons must go before the district judge and prove the right by so many witnesses, and the judge will give him a paper. Childers proved that to me, why I transferred them.

#### DIRECT EXAMINATION.

BY JOHN R. THOMAS.

Q Was Chaney Trent's name on the Arkansas Town roll held by the then town king, Gabriel Jamison? A Gabriel Marshall.

Q Gabriel Marshall or Gabriel Jamison? A Gabriel Marshall and Gabriel Jamison is the same person.

BY THE COMMISSION:

Q I thought you told me you were town king? A I was, but when I became town king, he failed to turn the roll over to me, I had to make one for myself.

Q Where did you make that roll from? A From the executive's office.

Q And the names of Chaney Trent and her children were not on the roll of the executive office? A No sir; it wasn't on the roll that I had.

Q Did you make an affidavit in regard to the citizenship of Chaney Trent and her children on the 20th of April, 1902? A The only affidavit that I made was before Judge Thomas.

Q Were Chaney Trent and her children enrolled on the roll that you had in your possession, as town king of Arkansas Town? A No, sir; not the one I had in possession; on the one Gabriel Marshall had, and Gabriel was the town king preceding me as town king.

William McIntosh, witness.  
By the Commission.

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Q Do you know whether or not the names of Chaney Trent and her children were ever stricken from the Arkansas Town roll?

A I don't know.

Q Do you know whether or not the names of Chaney Trent and her children were ever stricken from the rolls of the citizens of the Creek Nation by the Creek National Council, or under its direction?

A No sir, never knewed it until this case came up.

Q Are you familiar with the customs of the Creek Nation in regard to the right conferred upon the children or persons admitted to citizenship? A (Q) That is, to the rights conferred upon children?

Q (A) Yes, where the parents were admitted? A I think I do.

Q In the case of a parent admitted to citizenship, did the fact of his admission also admit his children, who were of age and married? A Yes, sir.

Q If the child of the person so admitted, was the head of a family, what effect did that have, if any? A Yes, sir; I can show you many instances in the Creek Nation.

#### DIRECT EXAMINATION.

BY JOHN R. THOMAS.

Q You say you can show many instances of that kind? A Yes, sir.

Q In the Creek Nation? A Yes, sir.

Q Was Chaney Trent and her children -- four children, held and esteemed citizens of the Creek Nation, under the admission that you speak of? A Yes, sir, to my knowledge.

Q Did they take part in and enjoy the rights and privileges of Creek citizens? A Yes, sir.

Q You say that you came in as town king succeeding Gabriel Jamison as town king of Arkansas Town? A Yes, sir.

Q You say that he didn't turn over the roll of that town to you?

A No sir, he didn't.

Q And that you subsequently made a roll -- or did you have it made?

A Had it made.

Q You didn't examine the roll yourself? A No, sir; I had to get a copy made from the executor's office.

Q You don't know, of your own knowledge, whether the names of Chaney Trent and her children were on there or not? A No sir.

Q And you subsequently saw the roll by Gabriel Jamison, afterwards did you, and found the names of Chaney Trent and her children on it?

A Yes, sir.

Q And you, as town king, under order of Judge Childers, transferred the names of Chaney Trent and her children to the rolls of Cheyarher Town? A Yes, sir.

Q Do you know whether, after they were transferred from Arkansas Town to Cheyarher Town, they enjoyed the rights and privileges of citizens of the Creek Nation? A I don't know that personally.

Q You don't know that of your own personal knowledge? A No, sir.

Q You answered Mr. Beavers a little while ago, that you didn't know of their names being stricken from the rolls of citizenship of the Creek Nation? A No, sir, I didn't.

Q By the Committee of Eighteen? A No, sir; I don't know.

Q Were you present at the Council at the time they were admitted?

A Yes, sir.

Q Do you know of your own personal knowledge, that they were admitted to citizenship in the Creek Nation? A Not more than just what -----

Q Well were you present at the time? A I was present there, I heard it at the Council.

Q Was you a member of the Council? A No, sir; I was there.



William McIntosh, witness. -10-  
Direct examination by John R. Thomas.

Q You was there? A Yes sir.  
Q And you know that they were admitted? A They were admitted.  
Q Well after that, do you know that they were held and esteemed and enjoyed the rights and privileges as Creek citizens?  
A Right straight along.

BY THE COMMISSION.

Q Were you present in the Council chamber when the case of Richard Adkins and his family was passed upon? A At the chamber, now I wasn't right exactly in the chamber, but then I had a Town King and he always came out and told me, Gabriel would.  
Q So it is what your Town King told you? A Not exactly, I didn't go on that -- well it was said there at the Council that they were satisfied that they were admitted, but I wasn't exactly in the chamber.

CROSS EXAMINATION.

BY A.P. MURPHY

Q You just, it talked around there? A Yes, sir.  
Q Can you read or write, uncle William? A No, sir.  
Q Do you mean to say that if a man came here from Missouri that was 70 years old, and he had a son that was 50 years old, and that was married and had 8 or 10 children and the wife a non citizen, if the father was admitted to citizenship by the Council, that that would admit that 50 year old son? A Yes, sir, that is the custom of the Creek law.  
Q When did that become a custom? A Why it became a custom here not very long ago. There is a case here now, an old lady who died at Okmulgee.  
Q How long ago was that? A That has been about three years ago. She came in and made application to the Council, and she had a whole lot of sons. And there is that Escoe set out here.  
Q Well tell me when that became a custom. A Always, as far as I know, as far as I can see. Here is that Escoe set out here.  
Q What was Richard Adkins, was he an Indian or a colored man?  
A He was half, mixed some way.  
Q Half--- what do you mean? A Half-breed, either half white or ----  
Q Well what was he? Half Indian and half colored, or half Indian and half white? A I don't know exactly. I never knowed. He came in and made application to the Council.  
Q How was he regarded, was he regarded as part white and part Indian or part colored? A He was part colored, that is the way he was adopted in the Council.  
Q And that was the reason he was put down on the Arkansas town, aint it? A I suppose that is the reason.  
Q Now you say that you received an order from Judge Childers?  
A Yes, sir.  
Q Where is that order? A I don't know, sir, it has been so long.  
Q How did you know that that was an order from Judge Childers?  
A Oh well, I was satisfied, because I have seen Judge Childers since.  
Q Well how did it read? A It read to me, that these parties was adopted, full citizens by the Creek Nation, and was now on Gabriel's roll, and it was no more than right that I give them a transfer. That is as near as I can come at it, it has been so long. But that is the substance.  
Q What town was you king of? Arkansas? A Arkansas.

William McIntosh, witness.

Cross Examination: By A.P. Murphy.

Q Then you didn't have any right to put them on the Cheyaha town, did you? A Well whenever I had one on my roll that wished to be transferred to another town, it was the custom to do it.

Q Well that is all you ever ~~done~~ done then, was to give them transfers? A That is all.

Q When do you say that was? A Well I disremember the year. Mister, I can't tell you. It was before General Porter's administration-- why Ispahcher's administration.

Q Well, what time in relation to the 1895 payment, was it before or after? A After, we had no payment in my time at all.

Q And that wasn't on the roll that you had at all? A No, sir.

Q Was Chaney Trent there at the Council at that time? A Yes, sir; but her father done all the business.

Q Well when was that, in relation to the 1895 payment? A Well I don't know, the date, but then it was a good bit before that.

BY THE COMMISSION.

Q Was it necessary for the National Council to approve the transfer of a citizen from one town to another, under the Creek law, as Creek custom? A I don't know about that, but then that has been the rule that we had to go by.

Witness excused.

GABRIEL JAMISON? being first duly sworn, testified as follows:

EXAMINATION BY THE COMMISSION:

Q What is your name? A Gabriel Jamison.

Q How old are you? A Going on 63 now.

Q What is your post office address? A Wybark.

Q Are you a citizen of the Creek Nation? A Yes, sir.

Q Do you hold any official position in the Creek Nation?

A (Q) Sir?

Q Do you hold any office? A Town King of Arkansas Town.

Q How long have you held that position? A As town king? It is going on 16 years, I guess.

Q Has there been any time during that 16 years that you were not king? A Yes, sir.

Q When was that, and how long? A That has been about four years I guess, about eight years ago.

Q How long was it that you were not town king,-- how long did somebody hold your office? A William McIntosh.

Q How long? He served four years.

Q Do you know Chaney Trent? A Yes, sir.

Q Do you know her children? A Yes, sir; I know them when I see them.

Q Were you a member of the National Council in 1890? A Yes, sir.

Q During your service as a member of the National Council, was Chaney Trent or any of any of her children admitted to citizenship in the Creek Nation? A (Q) Herself.

Q (A) Herself or any of her children? A Yes, sir; her and her children.

Q Did you know her father? A Yes, sir.

Q What was his name? A Richard Adkins,-- Dick Adkins, we called him.

Q Was he admitted to citizenship in the Creek Nation?

A (Q) At the same time.

Gabriel Jamison, witness.  
By the Commission.

Q In the same application that Chaney Trent and her children were admitted? A Yes, sir.

Q When you was succeeded in office as town king of Arkansas Town by William McIntosh, did you turn over to him the books and papers belonging to that office? A No sir.

Q Does the law require an official, a town king to turn over to his successor the records and papers belonging to the office?

A Yes, sir, providing if he wants it. He can go to the executive office if he wants them, but he never came to me for the roll.

Q Did you keep a roll of the citizens of your town while you were town king? A Yes, sir.

Q Was there a copy of that roll also kept in the executive office?

A Yes, sir.

Q Do you know whether Chaney Trent and her children were transferred from Arkansas Town to Cheyaha Town? A I don't; that was done while William McIntosh was town king.

Q You don't know as to that? A No, sir; that was done in his administration.

Q By what authority were the names of Chaney Trent and her children placed upon the Arkansas Town roll? A As Chaney Adkins.

Q But by what authority? A Well they approved them, they was Creeks -- Indians by blood, by the Council.

Q Did you place their names on the town rolls? A Yes, sir; on this town roll, I did, by my clerk.

Q Who told you to put their names on the town roll or by what authority? A By Chief Perryman.

#### DIRECT EXAMINATION.

BY JOHN R. THOMAS.

Q You mean Legus Perryman? A Legus Perryman, yes sir.

BY THE COMMISSION. There is exhibited and read to the witness an affidavit which, from the caption, appears to be the affidavit of Gabriel Jamison, but to which is signed, by mark, the name of Chaney Trent. The witness states that the same is his affidavit, and was duly executed by him.

Said affidavit appears to have been subscribed and sworn to April 4, 1902, before Joshua Ross, a notary public.

Said affidavit has been duly filed heretofore, and is a part of the record in this cause.

#### RE-DIRECT EXAMINATION.

BY JOHN R. THOMAS.

Q Did you swear to that? A Yes, sir; I swore that.

Q Is that true? A Yes, sir.

BY THE COMMISSION.

Q Do you write? A No, sir.

Q Did you intend to sign your name by mark to this affidavit?

A I signed it by mark.

Q Were you king of Arkansas Town when the \$14.40 payment was made?

A I just wound up at the same time of the payment.

Q Did Chaney Trent, and her four children, Frank, Mary, Willie and Lee Drew, draw money in that payment? A Yes, sir; Ellis Childers is the man that took that money.

Gabriel Jamison, witness.  
By the Commission.

Q Well just state what you know. A I will tell you exactly how it was, and after I went out there, Childers wouldn't let me have it. Said he was going to take the money to Chaney himself, and I didn't get the money and I just came back.

Q Was that at the time of the regular payment? A No, sir; that was --- I staid there, and my time expired before the payment was over. And while I didn't attend the payment at all, and suspecting he (William McIntosh) was there, as much as he was my King, when I got there he wasn't there, and he didn't live now in his place, he staid out home, he wasn't at the payment at all, and Ellis wouldn't give me the money at all; said he had orders to take it himself.

RE-DIRECT EXAMINATION.

BY JOHN R. THOMAS.

Q Take to where? A To Chaney Trent.

Q Ellis was treasurer of the nation at the time? A Yes, sir.

By the Commission.

Q I understand you to say that you know nothing, of your own knowledge, of the transfer of these people from Arkansas Town to Cheyaha Town. A Only just what they told me. I didn't see them, or nothing. He came to me before he went to McIntosh, that was in my time, and I didn't do it. I said that my time was out, and so they went to McIntosh, but I got notice from McIntosh that he was transferred to Cheyaha Town, but I didn't see when they done it.

RE-DIRECT EXAMINATION.

BY JOHN R. THOMAS.

Q Well was the name of Chaney Trent and that of her children on the roll at the time you were Town King of Arkansas Town? A Yes, sir.

Q Were they on there when William McIntosh became king? A Yes, sir.

Q Were they on the copy of the roll you filed with your evidence here? A You say that you put their names on the roll by the authority of the Chief, L.C. Perryman, Chief of the Creek Nation? A Yes, sir.

Q Were you present as a member of the National Council at the time the Committee of Eighteen reported certain names to be stricken from the roll? A Yes, sir.

Q Was Chaney Trent's name among that list that was ordered to be stricken from the roll? A Yes, sir; he was on the roll then.

Q Well was their names among the list to be stricken from the rolls? A No, sir.

Q It was not? A It was not stricken.

Q Why? A They said it was all right.

Q Well were you called before the Commission to testify as to the citizenship of Chaney Trent and her children, before the Committee of Eighteen? A I had to take my roll there.

Q ~~Well~~ did you go before them? A Yes sir.

Q And did you testify as to their citizenship at that time?

A No, sir; all I had to do was to turn my roll over, and they go over the roll, and the different town kings.

Q But I am talking about what they did with you now? A Well I am teeling you how it was. They called the roll, and what they thought wasn't right, they objected to and passed them over.

Gabriel Jamison, witness.

Re-direct examination by John R. Thomas.

Q Well was Chaney Trent's name, or her children stricken off?

A No sir.

Q They were not? A No, sir.

Q Well after that? A No sir.

Q Well after that, did Chaney Trent, and her children, enjoy the rights of Creek citizenship, were they so held and esteemed by the officials as citizens of the Creek Nation? A Yes, sir.

Q Did you know Tom Adkins and his wife? A Yes, sir.

Q What was his nationality? A Yes, sir.

Q Was he a Creek Indian by blood? A Yes, sir.

Q Well in this action of the Creek Council, was it shown that Richard Adkins and Chaney Trent, his daughter, were Creek Indians by blood?

A Yes, sir.

Q And therefore they were put on the rolls? A Yes, sir; they were put on the roll.

Q When did you learn for the first time, Gabriel, that their names had been stricken from the roll? A That was before the Commissioner.

Q Learned it first when you came here before the Dawes Commission?

A Yes, sir.

Q How long were you acquainted with Tom Adkins, the father of Richard Adkins, Gabriel? A Well, sir, just from a little kid.

Q From a child? A Yes, sir.

Q You remember what position he held here for so many years?

A Used to be a Captain of the lighthouse.

Q The father of Richard Adkins? A Yes sir; the one that was said to be his father.

Q Said it was his father? A Yes, sir.

Q He held him as his son? A Yes, sir.

BY THE COMMISSION.

Q Were you town king of Arkansas Town in 1895? A No sir; I don't believe I was. Let's see, I stopped four years, and William McIntosh must have been town king that time. I stopped four years at that time.

Q Were you town king of Arkansas Town on June 8, 1895? A (Q) '95?

(A) Yes. A Well I couldn't say positively whether I was or not. I couldn't -- well I wouldn't claim anything I don't know; I dismember.

Q Was you town king on January 31, 1895? A Well I am not positive.

Q How long have you been town king since William McIntosh was king?

A Since the ----

Q Ever since he went out of office? A It will be four years this coming October.

Q What time of the year does the town king <sup>come</sup> into office?

A On the 5th.

Q Of what? A Of December

Q Does he go into office on the 5th of December every four years?

A Yes sir.

Q How long have you been town king? A It would have been twenty years, if I hadn't lost one term.

Q Are you acquainted with the customs of the Creek Nation in reference to the admission of parents and their children to citizenship?

BY THE CREEK ATTORNEY: A.P. MURPHY. I would like the question to show what the custom was in 1890.

BY THE COMMISSION.

Q Are you acquainted with what the custom was in 1890?

A Yes sir; I believe I do.



Gabriel Jamison, witness.

Re-direct examination by John E. Thomas.

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A No sir.

Q They were not? A No, sir.

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BY THE COMMISSION.

Q Are you acquainted with what the custom was in 1890?

A Yes sir; I believe I do.

Gabriel Jamison, wit nese  
By the Commission.

Q Where a parent was admitted to citizenship, and he had children who were grown and married and the heads of families, did the admission of the parent admit these children that were grown and married and the heads of families, and the children not named in the application?

A Yes sir; when they admitted a family, some be married but they

just bunched them all in right together, under that one head, and that was the way they done it away along in that time.

Q Suppose a man applied to the Creek Council for the admission of himself alone, no one else being named, and the Council admitted him to citizenship, was it the custom to recognize the children who were married and the heads of families, were they also admitted because of the father being admitted?

A No sir; they all have to be admitted. The one that make the application and leave the children out, of course that was a different thing. But if they bring the children in, they all admitted. But sometimes the head of the family don't take the children, but if they all wasn't, why this one who make the application, just it--that--one.

Q Suppose a man was 60 years old, and he had a daughter 40 years old, the head of a family, had children of her own; the mother of this 40 years old woman wasn't a citizen of the Creek Nation; Was it the custom to recognize that woman, now, upon the admission of her father, alone? A Yes sir; that was the custom.

Q Now I will put it to you in another way: Suppose you had come to the Creek Council and made application to be admitted, and you had a daughter, the head of a family with a lot of children, and you were admitted, would that admit your daughter also as a citizen of the Creek Nation? A No sir; you see I hadn't made any application for my married daughter.

#### RE-DIRECT EXAMINATION.

BY JOHN R. THOMAS.

Q Gabriel, there have been some hypothetical questions put to you for the purpose of learning the custom. Was Dick Adkins and Chaney Trent, his daughter, and their children, admitted to citizenship in the Creek Nation? A Yes sir; they were admitted.

Q Now when Adkins made his application, you were a member of the Council, were you? A Yes, sir.

Q Was his daughter, Chaney Trent, and his other children, and his other children, and the children of Chaney Trent, mentioned before the Council at the time they were admitted? A Yes sir; Dick Adkins and Chaney was the first one.

Q Her father, and then Chaney Trent? A Yes sir; that was the next, right on down.

Q And the whole family were admitted? A Yes, sir.

Q Now where a man made application for admission, and proved that he was an Indian by blood, was it the custom of the Creek Nation ~~custom~~ to admit not only him but his family? A Yes sir; that was the custom.

Q If that proof shows they were Indians by blood? A Yes sir.

Q Then not only the applicant but his family also were admitted? A Yes, sir by blood.

Q Was that the custom where the proof showed that they were Indians by blood? A Yes, sir.

Q There was a difference in the treaty of 1866 and those that were admitted by blood? A Yes, sir, it was different.

Q But Adkins didn't come in under the treaty of 1866? A Yes sir.

Q He came in as an Indian by blood? A Yes sir.



Gabriel Jamison, witness. -16-  
Re-direct examination: By John R. Thomas.

Q And so did Chaney Trent and her children, did they? A Yes, sir.  
Q Were any more of Dick Adkins children enrolled -- admitted to citizenship at the same time? A Yes sir; there were over twenty I believe, there were a whole lot of grandchildren called.  
Q Do you know whether part of them are still on the rolls -- of Dick Adkins children? A Part of them are on the roll and part are not. In printing the roll, the y ~~were~~ put some of them off, and I turned around and saw some was left off the roll. I asked the Council to have them put back on the roll, and I took the ~~u~~ and went down before the Eighteen Committee and had them put back on the roll, and so ever here lately they have -- I find some in one place -- and if I am not mistaken, four or five was put on the roll and some on the omitted roll.

#### CROSS EXAMINATION.

BY A.P. MURPHY.

Q Can you read or write? A No sir.  
Q What was the first Council that you ever attended -- what year?  
A The first council was a general Council.  
Q Well what year was it? A I disremember what year it would be, but it would be twenty years. It will be ten years this coming October since --  
Q Ten or twenty years? A Twenty, I mean, this coming October.  
Q Then that would be in 1883? A It would be twenty years ago this coming October.  
Q Now tell me of some people that were admitted to citizenship by the National Council the first year that you attended it?  
A I think the first year -- the second year, that Dock Grayson's boy was admitted at the same time, with his mother.  
Q Well, who else? A It has been a long time.  
Q That is all you remember, at the first council? A There might be others, by thinking it up.  
Q Well now tell me who was admitted at the second council? A I don't keep a record of it, and so I can't tell you.  
Q Tell me who was admitted at the third council? A I don't remember.  
Q Then you havn't kept a record or anybody who was ever admitted at any of the Creek Councils? A Sometimes I can remember.  
Q Now do you remember of Dock Grayson, don't you? A Yes, sir.  
Q Now tell me how his application read? A I can't tell you all how it was read, but I know pretty much how it came up. They was disputing of his right, some said he was and some said he wasn't out, and they admitted him as a citizen of the Creek Nation.  
Q Then you don't know how the application read, do you? A No, sir; in that length of time.  
Q Now can you tell me how any of the applications read that was ever before the Creek Council? A Committees, they sends it up into the house and begs the Creek Council to adopt it. It goes through the Committee, --  
Q Do those applications state whether they were by blood or not --?  
A ----then it says on that application exactly what it is, up into the Warrior's House ----  
Q Well that aint what I asked you, Mr. Jamison? A I don't remember what was on the paper.  
Q Do those applications say whether they were to be admitted by blood or freedmen, or anything about it? A Don't they just ask to be adopted as citizens of the Creek Nation? A Why they were making an application by blood, they will ask it in that way. They make it in different ways.

Gabriel Jamison, witness.  
Cross Examination by A. J. Murphy.

- Q How did Deck Grayson's application read, by blood or how?  
A Well I wouldn't swear to that -- (Q) Who all was contained in that application of ----  
Q (A) Deck Grayson(s). A Well I know when it was adopted but it has been so long I wouldn't swear to it.  
Q How you say that Richard Adkins made an application? A Yes, sir.  
Q How did his application read? A I disremember how it reads, but I know when they brought it up in there. When it was read, we just voted on it.  
Q You didn't listen to it until it was voted, did you? A No, sir; but after the vote---  
Q Well then you don't know what was contained in the application of Richard Adkins, do you? A Yes, sir; is proved by being a son of Thomas Adkins, a Creek Indian.  
Q How long have you known Richard Adkins? A About eighteen years, between eighteen or nineteen.  
Q Do you know where he came from to the Indian Territory? A No, sir; I don't.  
Q You know that he had been out of the Territory over 21 years, didn't you? A Well sir, I wouldn't swear to that.  
Q For that reason he went to the Council to be admitted as a citizen of the Creek Nation, because he had been out of the territory for most 21 years? A No, sir; I don't think it was that way.  
Q Don't think it was? A No.  
Q When did you first become acquainted with his daughter? A Well it will be 20 years, I believe, in this month, about along in this month, about twenty years ago.  
Q Was she married or single when you first knew her?  
A She was married.  
Q By what name was she known? A By Chaney Trent.  
Q Was she ever known by any other name, except Chaney Trent?  
A No, sir; not before that.  
Q Have you heard her father speak of her a great many times?  
A Yes, sir.  
Q What did he call her? A Called her Chaney, didn't say Adkins or Trent.  
Q Did you ever hear an application made to the Creek Council for the admission of Chaney Trent? A No sir; Chaney Adkins.  
Q You say that McIntosh succeeded you as town king? A Yes, sir.  
Q Then you were town king before McIntosh? A Yes, sir.  
Q And you had the Creek rolls? A Yes, sir.  
Q Of what town? A Arkansas.  
Q When did you get the rolls that you had? A Had it made up by the Council.  
Q Was it made from the records in the Principal Chief's office? Didn't you have it made from the records in the Principal Chief's office? A We make it up. The Principal Chief always tells the town king to get up the roll of citizens and enroll them.  
Q That was when you first went into office, wasn't it, that you, legislators, and then present it to the Council to be approved by the Council, then by the Chief, and then the Chief keeps one in the executive office and the town king keeps one.  
Q When was that roll gotten up, that you had when you first went into office? By the first Council, or afterwards? A First Council.  
Q How long was it before you went out of office at that time that you put Chaney Trent's name on the rolls? A I believe the same year---I went out the same year.

Gabriel Jamison, witness.

-18-

Cross examination by A.P.Murphy.

Q You went out in the same year, then, that you put them on the rolls?  
A If I mistake not.

Q Where are those rolls? A Down in the office somewhere.

Q The rolls that you had? A I don't know where it is; must be somewhere. They had it copied, and I brought it here and they took it--- I didn't give it to them, they just took it, and it is here somewhere; I don't know where it is.

Q And you never turned that roll over, then, to McIntosh? A No, sir.

Q You turned it in here to the Commission? A Yes, sir.

Q When did you do that? A Did that in the first year they commenced filing.

Q That wasn't while you were king, was it? A No sir.

Q Now Mr. Jamison, if a man was to come here from Missouri, that had a daughter that was 27 years old that had been born in Missouri, she was married, husband living, and had three or four or five children, then her father, he came to the Creek Council and asked that he be admitted as a Creek citizen by blood or in any other way, and he was admitted, would that admit that daughter?

BY JOHN R. THOMAS: That calls for an opinion by the witness there.

BY A.P.MURPHY. He is qualified.

By Witness: A That was the custom.

By A.P.Murphy: A You say that would admit the daughter coming from Missouri here? A I don't know about from Missouri, but I know whenever they makes application for a certian family, don't make any difference whether they were married or not.

Q I didn't say for a family. A Well it didn't make no difference how much a family.

Q Now if you was to come from Missouri, you had a daughter that was 27 years old, if she was married and her husband living, and she had four or five children, and you was to come over and make application to the Creek Council for admission, would that admit that daughter? A It wouldn't, except had permission from that married daughter to make an application.

Q It wouldn't admit her unless an application was filed for her too, would it? A That's right.

Q And she couldn't be admitted otherwise? A That's right.

RE-DIRECT EXAMINATION.

BY HARRY G. DAVIS.

Q Gabriel, is it not a fact that you have been intimately acquainted with the Adkins family for many years, and owing to that intimacy is the reason you particularly remember about their application at the time of the Creek Council? A Yes sir; lived right there on my place before they ever made application.

Q Now at the time that you placed Chaney Trent and the other members of her family on your roll, state, if you can, what time that was, with refere ce to the time of their admission into the Creek Nation, as citizens thereof. A Well, after they adopted, they prove up their right and went to the King house and vot ed, there was 47 kings, and I and Tobe Alexander was all the two in the house that would support her, and then down in to the executive office, and still hadn't anything to do with it. A Creek man, named Haney, king of Coweta town, he was the man who was town king of Cowata town, and they claimed this Thomas Adkins belonged to his town, and he had a right to these childrens, Richard Adkins and his children, and he is the one took this application before the committee until we had them adopted. And now, like today, and that night, going home, his son was killed by a horse, or something, and he had to go right away home----

Gabriel Jamison, witness. -19-  
Re-direct examination; by Harry G. Davis.

Q Who was this, now, had to go right away home? A Haney, of Coweta.  
Q Is he the party who represented these ----? A Yes, sir; and the next morning, this man, about five o'clock, I believe it was, before they took up Council at the house, I was in the executive office. Chief Parryman says "what you all going to do with these citizens made yesterday?" I said I had nothing to do withit, I said "Haney is the man", and he says, "Haney lost his son, and he has gone home", and he says "Can't you take this family and put them on your roll, and Haney wants them when he gets back?". He said, "we want to fix up the roll for our payment. I told him "Yes", I said "My town is large enough, and I will do it". I goes around to my clerk, Wiley McIntosh, he done all my writing, and I said, "Wiley, put all these people on the roll",-----

Q Then the original application was made for an Indian town?  
A Yes sir; Coweta was the Indian town it was made for, it was not Cheyaha.

Q The town king of that town who made application? A Yes sir.

Q-----had to go home, and it was then transferred to your town?

A Yes sir; that is the way it was, that is the truth of it, too.

BY THE COMMISSION.

Q Where a man was admitted to citizenship in the Creek Nation, and he had a son or daughter who was grown and married and the head of a family and this daughter wasn't admitted, did that admit the children of that daughter born after this man was admitted? A No, I guess not, if she is not ~~enitled~~ admitted; I never have seen one of those cases tried.

Q The only thing about it is, would the Creeks recognize the grown children through their parents? A No sir; I don't know about that, I never had such a case before that.

RE-DIRECT EXAMINATION.

BY HARRY G. DAVIS.

Q You don't know, then, about such a case as that, do you?

A No, sir; never had a case of that kind before me.

BY JOHN R. THOMAS.

Q Where a man, without reference to his age, made application for citizenship in the Creek Nation, as a Creek Indian by blood, was it the custom of the Creek people and the Creek Nation to admit him and his family, when the father was admitted did that admit his children?

A Yes, sir; the door is always open for an Indian.

Q Did the admission of the father admit the children, according to the Creek law and custom? A Yes, sir; Indian is the one; but when it comes to me, it's different.

Witness excused.

ANDERSON CHILDERS, being first duly sworn, testified as follows:

BY THE COMMISSION.

Q What is your name? A Anderson Childers.

Q How old are you? A I am 33.



Anderson Childers, witness. 20.

By the Commission.

- Q What is your post office address? A Wagoner.
- Q Are you a citizen of the Creek Nation? A Yes, sir.
- Q Do you know Chaney Trent? A Yes, sir.
- Q How long have you known her? A I have known her for about ten or twelve years.
- Q What was the name of her father? A Richard Adkins.
- Q Were you acquainted with Richard Adkins? A Yes, sir.
- Q Do you hold any official position in the Creek Nation? A Did once.
- Q What position was it? A I was a member of the Council.
- Q Which branch? A House of Kings.
- Q When was that? A I was elected in '35 or '6, I don't recollect just which year it was.
- Q Was you ever a member of the Council previous to that time?
- A No sir.
- Q Do you know whether or not an application was ever made for the admission of Chaney Trent and her children to citizenship in the Creek Nation? A No, sir.
- Q Do you know whether they were ever admitted to citizenship in the Creek Nation? A No, sir.
- Q To what town do you belong? A Cheyaha.
- Q Were the names of Chaney Trent and her children ever placed upon the rolls of Cheyaha Town? A Yes, sir.
- Q When was that? A '96 I believe it was; I put them on my roll.
- Q By what authority did you place them upon your roll? A They was transferred from the Arkansas Colored Town to the Cheyaha Town.
- Q Do you know whether or not their names appeared on the Arkansas Town roll at the time they ~~was~~ were transferred to your town roll?
- A No sir, I don't.
- Q Was there a certificate of transfer issued to you? A It was issued to them, to Richard Adkins.
- Q Issued to them? A Yes, sir.
- Q By whom was it issued? A William McIntosh.
- Q Was he town king of Arkansas town at that time? A Yes, sir.
- Q Did you know Richard Adkins? A Yes, sir.
- Q Do you know whether or not he was admitted to citizenship in the Creek Nation? A No sir.
- Q Do you know whether or not Chaney Trent and her children exercised the rights to citizenship in the Creek Nation prior to the transfer to Cheyaha Town? A Yes, sir.
- Q You know that they did, you mean? A Yes, sir.
- Q How long, to your knowledge, prior to their transfer to Cheyaha Town, did they exercise the rights of citizenship in the Creek Nation?
- A Why I don't know, just exactly, what year it was Dick was admitted, but they commenced the next year after Dick Adkins was admitted.
- Q Do you know whether or Chaney Trent and her children have ever drawn any money from the Creek Nation? A Yes, sir.
- Q When did they draw the money? A Why the last payment, I believe it was, they drew the money.
- Q You mean the \$14.40? A I believe that was.
- Q Did you see the money drawn? A I signed for them, I put the names on the rolls.
- Q On the Arkansas roll? A No, sir; they wasn't on no roll; they was on the omitted roll, they was making up the omitted roll, and they asked me Chaney Trent and her children's names, and I gave them their names.
- Q In what town was they placed? A They were placed on the Arkansas omitted rolls.

Anderson Childers, witness.

By the Commission.

The 1895 Omitted rolls of the Creek Nation, in the possession of the Commission, for Arkansas and Cheyaha Towns, examined and the names of Chaney Trent, nor any of her children, nor any person answering their description, not found thereon.

Q Were the names that were written in that omitted book that you speak of written in ink? A Yes, sir.

Q Written with a pen? A Yes, sir.

Q Who wrote those names in there? A Why I believe my brother did.

Q Were you a member of the Creek Council in 1895? A Why I don't just recollect which year it was I went in, it was either '94, '95 or '96; it was the fall they made the payment.

Q You werenot a member of the Council in June 8, 1895?

A No sir; I don't believe I was. I didn't go in Council till December.

DIRECT EXAMINATION.

BY JOHN R. THOMAS.

Q Now Anderson, what kind of a book was the roll of Cheyaha Town kept in while you were town chief? A I kept them on a piece of paper.

Q I asked, what kind of roll was kept? A I never kept them in any book.

Q What kind of a book was the roll you referred to a while ago in? A I mean the omitted roll, what was left out when they paid out that money. The omitted names was put on a book similar to that book there (indicating a leather backed book), only a little bit thicker.

Q Was it a leather bound book? A Yes, sir; it had all the omitted of each town.

BY THE COMMISSION:

Q Was you town king of Cheyaha Town during the existence of the Colbert Commission? A Yes, sir.

Q Was you called before that Commission to assist in examining the rolls of your town? A Yes, sir.

Q Did the Commission question you in regard to the Adkins family? A Yes sir.

Q Did the Commission question in regard to Chaney Trent's family? A No sir; they were all together.

Q Have you heretofore executed an affidavit in regard to this case? A Yes sir.

Q Did you attach to your affidavit, or was there attached, to your affidavit a roll of the citizens of Cheyaha Town? A Yes, sir.

Q Were the persons whose names are embraced in that roll attached to your affidavit, members of Cheyaha Town at the time you appeared before the Colbert Commission? A Yes sir; If I unde stand you right.

Q What I mean by that is this: That there have been no persons added to or taken from that roll since the Colbert Commission? A Not while I had charge of the rolls.

Q Now what I mean--these people who are on here (roll attached to affidavit) were members of that town at the time you appeared before the Colbert Commission? A Yes sir.

Q And were carried on your roll as members? A Yes, sir.

Q Did the Council of the Creek Nation approve that roll? A Yes, sir; I believe that.

Q You are not positive as to whether they did or didn't?

A Well the only way I know, I was in the Council when the report was made after the Colbert Commission examined the rolls, when they made their report of all in the book, and reported all those they had knocked off the rolls, and knocked off the rolls, those names were all read, and those names were read, and those names weren't on the rejected read, and I supposed they were all right.

Anderson Childers, witness.

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By the Commission.

Q At what term of Council was that? A I can't exactly-- it was in '95 I believe it was the time Colbert Commission was in session.

Q I believe you stated that you wasn't a member of the Council in June, 1895? A No sir.

RE-DIRECT EXAMINATION.

BY JOHN R. THOMAS.

Q Anderson, were you acquainted with the customs of the Creek Nation, the laws and customs of the Creek Nation with reference to the admission of citizens who made application to be enrolled as citizens of the Creek Nation in 1890? A No sir.

Q You don't know what the custom was? A I know a little something about it; don't know very much about it.

Q Now Anderson, were you present at the time that this list by the Committee of Eighteen was submitted to the Council for the purpose of having the names stricken from the rolls of the different towns? A Yes, sir.

Q Now do you know what occurred when that matter came up before the Council, do you remember that? A Yes, sir.

Q Was the name Chaney Trent, and her children, stricken from the rolls of Cheyaha Town by the Council at that time? A No, sir.

Q I will ask you, whether the Colbert Commission or any other Commission, since you have been acquainted with the proceedings of the Creek National Council, ever struck the names of Chaney Trent, or her children, from the rolls? A No sir.

Q I will ask you to state whether or not Chaney Trent, or her children, have enjoyed the rights and privileges of Creek citizens from the time they were admitted to the rolls of Cheyaha Town? A Yes sir.

Q How have they been regarded and esteemed by the people up there? A They have been regarded as citizens of the Creek Nation.

Q Did you ever hear any question about it until this matter came up before the Dawes Commission? A No sir.

CROSS EXAMINATION.

BY A.P. MURPHY.

Q You say your brother, Ellis Childers, wrote thier names on the '95 roll? A I suppose so; I don't know he wrote them on there, but they were placed on a book when I saw them.

Q Did it look like his writing? A Why I never noticed exactly to see whose writing it might be.

Q How long had they been on that roll when you saw it? A They were placed on there recently, just ~~before~~ before I seen them.

Q That was just before the payment was made? A It was just after the main payment, and this was the omitted roll.

Q They they wasn't on the roll at the time the payment was made? A No sir.

Q Did your brother occupy any official position then? A He was treasurer.

Q And you don't know whether they drew any money or not -- Chaney Trent? A No sir; they wasn't there.

Q What time of the year was that payment made, Mr. Childers?

A I don't know what time it commenced, but I was there in December, it was finished up just before December.



Anderson Childers, witness.

Cross Examination; By A.P. Murphy.

- Q Now at the time these names were put on the omitted roll by your brother, or whoever it was, was that after the Council had met?  
A Yes, sir; the Council was in session then.  
Q You say you put them on the Cheyaha Town rolls? A Yes, sir.  
Q By what authority? A Why I got a certificate of transfer from William McIntosh.  
Q And who was William McIntosh? A Town king of Arkansas Colored Town.  
Q And that was the only authority you had for writing them on that roll? A Yes sir.  
Q Now you say that Chaney Trent enjoyed the rights and privileges of a citizen here in the Creek Nation, don't you? A Yes, sir.  
Q I will ask you if there are not a good many who have enjoyed the rights and privileges of citizens of the Creek Nation who are not Creek citizens? A I suppose so.

RE-DIRECT EXAMINATION.

BY JOHN R. THOMAS.

- Q What was the name of your father? A Napoleon Childers.  
Q Was he a citizen of the Creek Nation? A Yes sir.  
Q What official position, if any, did he hold at the time you were king of Cheyaha Town? A He was district judge.  
Q Did he have anything to do with ordering the transfer of these people from Arkansas Town to Cheyaha Town? A Not anything as I know of.  
Q You don't know anything about that? A No sir.  
Q You didn't know of an order being made by him for their transfer?  
A No, sir.  
Witness excused.

E.B. CHILDERS? being first duly sworn, testified as follows:

BY THE COMMISSION.

- Q What is your name? A Ellis B. Childers.  
Q How old are you? A I am 38.  
Q What is your post office address? A Turner, at present.  
Q Are you a citizen of the Creek Nation? A Yes sir.  
Q Have you ever occupied any official position in the Creek Nation? A Yes sir.  
Q What places have you --? A I have been a member of the Creek Council eight years; and then I was treasurer three years; then I held other minor offices.  
Q Do you know Chaney Trent? A Yes sir.  
Q Do you know her children? A Yes sir. *I do*  
Q Did you know her father? *He is* Richard Adkins, we commonly called him Dick Adkins. *What was his name?*  
Q Was Richard Adkins admitted to citizenship in the Creek Nation?  
A Yes sir; he was a recognized citizen.  
Q Was that by an act of Council? A Yes, sir.  
Q When was that? A It was in 1890, I thin, if I am not mistaken.  
Q Was you a member of the Council at that time? A *Is* I was.  
Q Do you remember whether or not he made a written application for citizenship? A Yes, sir; I introduced the application, in request.

E.B. Childers, witness.

By the Commission.

Q Do you remember or not the names of Chaney Trent and her children who were then living were embraced in that application? A I don't remember.

Q Have you heretofore executed an affidavit in reference to this case? A I did sometimes last winter.

Q That is the affidavit, is it-- that is your signature (Exhibiting an affidavit)? A Yes sir.

Q Did you assist Richard Adkins in the matter of his application at that time? A I did. I introduced his application, and when it came up before the Council, I think-- I know I did, make a speech in that respect, and after he was admitted, why as near as I recollect, I took him and introduced him to the Chief, and had a talk with the Chief in regard to his enrollment.

Q Did you, after the passage of that act, did you discover that the name of Chaney Trent had been omitted from the act? A I did sometime afterwards, that is when I discovered it was before the committee-- before a committee, that was going over the rolls for the purpose of payments, and this matter came up, and that Dick Adkins children weren't on the application-- that is, the act that was passed by the Creek Council, and I noticed that the act said that he was recognized as a citizen, by reason of his Indian ~~Ind.~~ blood. Well I taken the position that it wasn't really necessary by reason that he wasn't adopted, but he was simply recognized by his Indian blood, and if he had Indian blood, his children also had the Indian blood, and I taken that position before the committee, and then I referred to the Chief and I taken him and introduced him to the Chief, and the Chief then taken issue with me-- that is, the Chief sided with me, and the children were then enrolled in the \$29 payment.

Q In what town was Richard Adkins enrolled first? A He was first enrolled in the Arkansas Colored town.

Q And Chaney Trent and her children were placed on the same roll? A Yes sir.

Q Were you a member of the Creek Council on June 8, 1895? A No sir; I wasn't -- let me see, in June we went out--that was at the end of my term. I don't know whether I was in June or not. I served up until the time he went in. I went into the House of Kings

I was in the House of Warriors-- I was there eight years.

Q Were you a member of the Creek National Council on January 31, 1895? that is the date of the approval of the act authorizing the taking of the census, preparatory to making the payment of \$600,000?

A I was Speaker of the House of Warriors at that time.

Q Were you a member of the Council on the 8th day of June, 1895, when the Committee of Eighteen made its report? A I was.

BY THE COMMISSION, reading from the acts of the Creek Nation, 1893 to 1899, inclusive, page 50:

Census-- Committee Report On.

Okmulgee, I.T., June 8, 1895.

Hon. National Council, M.N.

Gentlemen: We, your committee of eighteen, appointed to consider and correct the census rolls of the several towns, as handed in by the Town Chiefs, have examined and corrected the forty-seven rolls.

The aggregate number on the rolls is 13, 841.

N.B. Childers,

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By the Commission.

The number enrolled which were stricken from the rolls by the committee as doubtful is 619.

Having completed the work assigned us, we submit this report and asking that the report be adopted and committee discharged.

Respectfully,

M. J. SMITH, Chairman.

Mildred McIntosh, Clerk.  
Approved June 8, 1895.

Q Was you speaker of the House of Warriors, you say, at that time?  
A At that time, yes sir.

Q The aggregate number on the rolls is 13,841; Did that include all the recognized citizens at that time of the Creek Nation?

A It did not. In explanation of this, I might state this: the committee only reported another list as being doubtful. They did not pass on them as not being citizens, they just simply struck them out for further investigation as being doubtful, and those that weren't included in that thirteen thousand. And very soon after that, we found there was quite a number of people who was here that weren't included in that thirteen thousand either. But there is another act, right in this same Council further on, that we refer this to a committee, known as the Colbert Commission, and then with the instructions to revise the rolls of the Creek Nation, but all the rolls not only the doubtful ones, but simply referred all the rolls to that committee, and then the committee reported the next following Council, there was a report giving that each town, and the names in which towns were revised or went over, and that roll was submitted to the Council and in that date to the Chief and the Chief had it transferred into a book. I seen it at the time, and was a book like this (indicating a leather bound book), giving the names of every citizen; that was copied in Lynch's hand-writing.

Q Do you know whether or not any money was paid at the 1895 payment to any of the 619 persons who were ~~not~~ classed as doubtful?

A Yes sir--that is these persons pronounced doubtful; they were paid afterwards.

Q Were they all paid? A I couldn't say they were all paid. The next following council, taking that matter up, and also the omitted rolls--there was some money left out of this per capita money drawing, and appropriated enough money to make each one get \$14.40, and I finished, as treasurer, I finished the payment.

Q Did you keep a record of those to whom you paid? I did.

Q Where is that record, do you know? A It was turned over to the treasurer who succeeded to me. I don't know what they done with it.

Q Who succeeded you? A N.B. Moore. That was also now in a book-- it was a thick book-- it was just a good sized journal. The names of all the omitted rolls was copied into a book. It was a journal-- and the receipts, also showed the names-- a list on one side, and the other page showed just who drew the money. If they draw it out themselves, it was showed on there, and if drawn by somebody else, it was shown. It showed just who drew the money.

Q Were you authorized by the Creek National Council to make that payment? A Yes sir.

Q Was a list of persons furnished you, to whom you was authorized to pay? A Yes, sir.

Q Who furnished that list to you? A The principal Chief, Ispahcheer-- that is, the list furnished the Chief, through the Council, that is, the Council. Then another committee appointed to make up this roll-- they made out the roll and attached an appropriation act covering it, and passed that, and then Ispahcheer became Chief when Perryman expired, and Ispahcheer being a new man coming in office, he turned the roll over to me. I kept that roll in that, and made the payments

E. B. Childers, witness.

By the Commission.

by that book.

Q Was that list approved by the Creek National Council? A Yes, sir.  
Q Was the name of Chaney Trent and her children enrolled in that list? A I think so. I wouldn't positively swear for a fact. They must have been. I know the family was in on that roll.

#### DIRECT EXAMINATION.

BY JOHN R. THOMAS.

Q Who are children are they? A Richard Adkins.

Q Brothers and sister of Chaney Trent? A Yes sir.

BY THE COMMISSION.

Q When was you first elected to the Council of the Creek Nation?  
A I was first elected in '87 I think, during the election if '87 to the best of my recollection.

Q Were you acquainted with the customs of the Creek Nation in 1890, so far as it relates to the admission or recognition of persons to citizenship-- were you acquainted with the customs at that time--in 1890? A Yes sir, I was.

Q If a man was admitted to citizenship in the Creek Nation, having one or more children who were grown and married and the heads of families, these heads of families not being included in the application, was it the custom of the Creek Nation to recognize and enroll them as citizens, through the admission of their father?

A It were, providing they were admitted, or recognized, as Indians; if they were admitted-- if it is by adoption, they could only be adopted as the persons mentioned in the petition, but if they were recognized as Indians, as citizens, by reason of their Indian blood, why their children-- didn't make any difference-- they and their children were recognized as citizens.

Q Was that the universal opinion among the Creek citizens, or was there some questions? A The only question that ever was raised, as I know of, was in that time. Before that, it was a universal opinion, and some persons raised it in the committee, who was making that \$29 payment, then the question was decided when they enrolled them as citizens.

Q It was contended, then, in that committee, by some of its members, that the child of a one who was admitted, the child being grown, of age and the head of a family, it was contended by some members of that committee, was it or not, that they were recognized? A They were some contention-- but I don't understand your question--

Q At the time Richard Adkins was admitted to citizenship, or directly thereafter, was it contended, by some members of the committee to which you referred that his children who were of age and the heads of families were not recognized because of his admission?

A It was contended by some members ~~because~~ of this committee that any of his children couldn't be recognized because it mentioned Richard Adkins and didn't mention his children-- that was the point, it wasn't raised as to the right then in that time. I taken the position I have mentioned before, that in the petition, or act recognizing Richard Adkins as citizens by blood, it wasn't necessary to mention the children inasmuch as he was an Indian, and proved to be an Indian by blood and not by adoption.



DIRECT EXAMINATION.

BY JOHN R. THOMAS.

Q What was the result of that contention? A It was finally decided that my position were correct, and enrolled those children and drew that money.

BY THE COMMISSION.

Q Was that action of the committee ever acted by the Creek Council?

A They were, by approving the rolls.

Q Was it the custom of the Creek Nation to recognize the grandchildren of one who was admitted to citizenship, the parents of the ---- neither parent of the children having been admitted, and the father being a noncitizen? A Why yes, I know of several instances.

Q I want to know if it is a custom? A You can take the Berryhill cases, and Posey cases, and they got in under just such instances. When it comes that far, I couldn't say I know the custom, unless I refer to cases, but I did know of one case.

Q And denied their parents? A There is one case, but then they get back, you know, there is a case there, Mrs. Norman and Mrs. Ellis, they were denied, and yet their children were accepted, but they were put back on the rolls, it was an error.

DIRECT EXAMINATION.

BY JOHN R. THOMAS.

Ellis, at the time this list was reported by the committee of eighteen by the Council, did it contain the name of Chaney Trent and her children -- I mean, were their names stricken by the rolls?

A They were listed as being doubtful.

Q Well were their names stricken from the rolls by order of the Council? A They were.

Q They were? A Yes, sir; that is, in this way; they asked them to revise the roll, and in the revision, they placed some as being doubtful-- they couldn't place them on as being very correct, but there was some doubts about them, but they could only ask them to revise those rolls.

Q Well were the names of Chaney Trent and her children subsequently placed on the rolls by authority of the Creek Council? A They were.

Q Were they duly recognized as citizens of the Creek Nation by the town authorities of the Cheyaha Town of the Creek Nation? A Yes, sir.

Q Would you know the roll you referred to a while ago if you were to see the book and see the roll? A I would.

Q Did you ever hear any question of the citizenship of Chaney Trent for the payment of '95 until it was questioned hereby the Dawes Commission? A Not until the objection was first placed by Mrs. Sue Rogers.

Q She was the first one? A She was the very first one who started this.

Q Do you know who put their names on the roll of Cheyaha Town?

A My brother, Anderson was the custodian of the roll at the time they were transferred from the Arkansas Town to Cheyaha Town.

Q Who was Napoleon Childers? A He was my father.

Q What official position did he hold? A He was town king just prior to Anderson.

Q What other official position did he hold? A He was district judge.

Q Do you know anything of an order he issued on William McIntosh to transfer these people to Cheyaha Town upon their application?

A It wasn't an order, it was simply an order of recommendation, as

H.B. Childers, witness. 28.  
By John R. Thomas, Direct Examination.

you may say. Mr. McIntosh didn't understand-- didn't know who these people were, and my father then told him who they were, and that they were citizens of his town.

Q Well, Ellis, were Chaney Trent and her children paid money in the 1895 payment? A Well I think they were.

Q Isn't it a fact that there was an order given to you? A There was an order given to me, but I didn't draw it; I wanted her father to draw it.

Q She gave you an order? A Yes, sir.

Q Well do you know that money was ever drawn? A I think so. The reason I think so was that her father and her were owing me for some work cattle, and were to pay me when they got that money.

Q And you got that order for the purpose of getting your pay?

A Yes sir.

Q And you got your ~~money~~ <sup>pay</sup>? A Yes, sir.

Q I will get you to state whether, after the matter was settled between this Council of Eighteen and you and the Chief, if there was any question as to the Citizenship of Chaney Trent and her children?

A There were not.

Q I will get you to state, if you can speak from the customs of the Creek Nation -- Suppose a grandfather was admitted as a Creek Indian by blood; he had a son who moved out of the Creek Nation and forfeited his right of citizenship, but he left in the Creek Nation a number of children, who would be grandchildren of the man who was admitted, under the custom of the Creek Nation, would these grandchildren be entitled to registration? A They would.

Q Can you tell, from your own memory, whether Richard Adkins, the father of Chaney Trent, was admitted as a Creek citizen, by blood?

A He was.

Q And when Chaney Trent and her children were enrolled, how were they enrolled? A They were enrolled in the Arkansas roll town.

Q But as what? A As citizens.

Q By blood? A By blood, yes sir. I will tell you the reason that they were enrolled in the Arkansas Colored Town. At the time Richard Adkins was admitted, he was living down here close to Gibson Station, and he didn't understand his father belonged to Coweta Town--Coweta Town and Cheyaha Town used to be allied towns-- and his father was a member of the Coweta Town--

Q That is Thomas Adkins? A Thomas Adkins, and we lived up the Arkansas River. And his mother being a colored, and that being a colored town-- and his mother-- and by reason of his mother, he couldn't join no town--it was-- the custom was the children followed the mother, and if the mother was a noncitizen, then the children followed the father. But he found his error and transferred to Cheyaha Town.

Q That was an Indian Town? A Yes, sir.

Q From the time they were enrolled as citizens of Cheyaha Town, up to the time the question came up before the Dawes Commission, was there ever any question by the Creek Nation as to the citizenship of Chaney Trent and her children? A At the time of the Council making a roll for the \$14.40 payment, it came up again.

Q Then it was decided--how? A In her favor.

Q By the Council? A By the Council.

Q After the report of the committee of eighteen and of the Colbert Committee, was there a bona fide roll of the citizens of the Creek Nation made up? A Yes, sir.

Q And approved by the Council? A Yes, sir.

Q Do you know where that book is now? A Yes, I do.

Q Where is it? A It is in the executive office in Okmulgee

Q At Okmulgee or here? A At Okmulgee the last time I seen it

Q What kind of a book was it? A It is a book very much like this (indicating a leather bound book).

Q Was the roll you refer to a written or a printed roll? A It was a written roll.

E.B.Children, witness.

Direct Examination by John R.Thomas.

Written in whose handwriting? A The majority of that I seen it was in Jim Lynch's hand writing.

Q You would know it then if you were to see it? A Yes, sir.

# CROSS EXAMINATION.

BY A.P.MURPHY.

Q Did you ever draw any money in 1895 for Chaney Trent or her children yourself? A I did not.

Q Now, Mr. Childers, if a man was born in the Creek Nation, the son of an Indian, and he lived out of the confines of the Creek Nation, say in the State of Missouri for over 21 years, what would be the status of his citizenship in the Creek Nation? A He was recognized as a citizen of the Creek Nation until there was alienating laws. Up to that time, he was recognized as a citizen of the Creek Nation.

Q And that act was passed in 1889, was it not? A I don't know just when it was passed.

Q Then he was declared to be an alien, wasn't he? A Yes, sir, that is what the law said.

Q Then if he came back after the date of that law, how did he obtain citizenship? A He could only obtain citizenship through Council.

Q By adoption, wouldn't he? A Being an alien, he would have to be.

Q Then if he was an alien, and then came back and applied for citizenship, he was adopted, wasn't he? A Well in this case, he was here. That alien law didn't catch him. He was here several years before he made that application.

Q He didn't make the application until 1890? A Well he was in the Creek Nation before that act was passed-- Richard Adkins was in the Creek Nation before that act was passed.

Q Now then if a man was living in the State of Missouri, and he ~~was not a Creek Indian~~ had children-- a daughter, say, that was 25 or 26 years old when they came to the Creek Nation-- she was married and had four or five children-- she was born in Missouri, remember, and her father was admitted to citizenship in the Creek Nation, would that admit that married daughter also? A If he was admitted by blood it would.

Q If he was admitted by blood? A If he was a Creek Indian, it always admit him--

Q Well I was asking whether it would admit ~~at~~ the daughter. A Well the age wouldn't cut any figure, if he was an Indian.

Q If they came here from Missouri-- a man and his daughter came here from Missouri, and she was 26 or 27 years old, married and had a family, married in Missouri-- and her father-- say in 1890 -- would apply for admission as a Creek citizen, he was admitted-- would that admit that daughter? A Yes, sir; it is another such a case as Freeman. He was admitted in the same one.

Q Can you tell me who wrote the name of Chaney Trent and her children on the 1895 omitted roll? A There are several rolls (Q) The original roll?

Q (A) The 1895 omitted roll? A Anderson Childers copied the names from another roll that we have, and he wrote the names and submitted them----

Q I mean at the time the payment was made --the \$14.40 payment?

A (Q) The Cheyaha roll or all the rolls?

Q (A) All the rolls? A All the payment rolls?

Q (A) Yes. A Why those payment rolls are in Lynch's hand writing. Lynch copied them.

Q Well do you know who wrote Chaney Trent's name and her children's names on those rolls? A There are several rolls.



E.B.Children, witness.

Cross Examination by A.P.Murphy.

Q Were they on those rolls at all? A There is one set of rolls they are on. (Q On their (Commission's roll) roll?

A (A) I am talking about the 1895 pay roll. A They were written by C.M.Morton and Lucy Thompson. I couldn't say which one it was wrote their names.

Q Do you know how long before the payment it was that their names were written on that roll;-- I am speaking of these particular persons, now not of the roll in its entirety? A I commenced the payment immediately after finishing those rolls---couldn't have been more than a week.

Q Now you say that these people were first enrolled in Arkansas Town? A Yes sir.

Q How do you know that? A Because I seen them when they wrote them---one of the boys was working for me at the time, and Wiley called me in and ask me what their names was.

Q You say they were transferred to Cheyaha Town? A Yes sir.

Q How do you know they were transferred? A Because I had something to do with them. I am what the Indians call the town chief, and the custom of the transfer is that you go to the town whief and get the consent of the town in which you wish to be transferred to, and then get the consent of the town chief in which you are, and by getting both consents you can transfer, and where the towns had no town chief, why the town king was its town chief and these parties go to him and seen them to get a written consent from their town king, if they had no town chief.

Q The town king refused it, didn't he? A The town king refused it at first. He wrote me a note that he wouldn't give them a transfer just now, inasmuch as he didn't know who they were.

Q Didn't he state that they wasn't on his roll? A I don't recollect whether he stated that or not. He wrote me a note, and I think he said he didn't know who they were, and furthermore, I think afterwards they brought me a written consent from McIntosh, as town king, and I transferred them over to Anderson, who were town king, to place them as parties on the Cheyaha rolls.

Q Well what connection did your father have with it? A He had nothing to do with it, only he wrote a letter of recommendation to McIntosh stating who they were.

Witness excused.

ADJOURNED: There not being time to complete the hearing on this day, the same is continued until tomorrow morning, July 24, 1903, at ten o'clock.

JULY 24, 1903.

E.B.Children, being recalled, testified as follows:

CROSS EXAMINATION(Continued)

BY A.P.MURPHY.

Q Now Mr. Children, do you know what the customs of the Creek Nationn were in 1890 as to who the children followed? A Yes.

Q As a custom, who did they follow, father or mother? A If the mother was a citizen, they followed the mother, and if the mother was a noncitizen they followed the father.

H.B.Children, witness.

Cross Examination; by A.P.Murphy.

Q Then if a man was living in Missouri and had children there, and when the child got to be 27 years old they came to the Creek Nation, the child was married and had children, the father was admitted to citizenship after they came here-- the child never having been a resident of the Creek Nation and the mother not being admitted, what effect would that have on that 27 year old child, according to the customs of the Creek Nation in force in 1890?

BY JOHN R. THOMAS: I wish to protest that that is not a statement of this case, and is calculated to mislead the witness. The only evidence as to the age of the woman was that she was 22 or 23 years of age when she came; that she came three years before her father-- had been living here three years when her father came--.

BY A.P.MURPHY. The Creek Nation contends that the witness has qualified that he was acquainted with the customs of the Creek Nation in 1890, and for the purpose of ascertaining whether he is acquainted with the customs or not, it is proper, in the matter of cross examination, to examine him on the various customs, if they were in existence.

BY THE WITNESS: Answering the Question: As to the age, it doesn't cut and a figure, just so they have the Indian blood-- don't make a bit of difference how old they are-- that never has been questioned. I have never heard of a case where a mother was denied and the children admitted, so I couldn't say as to the effect that would have if one was admitted or the whole family was admitted.

Q Then you don't know what the custom was in that particular case?

A I never heard of such a case----if you mean in case Chaney wasn't admitted, what effect would it have in ----?

Q (A) If her and her father had come here sometime shortly before 1890, her father was admitted but her mother never was admitted-- never applied--- the admission of the father, what effect would that have on Chaney, her being 27 years old, head of a family, all her children being born in Missouri, and her married in Missouri?

A If admitted by blood, it also admitted the children.

Q Now then, if a man was born in the Creek Nation and was a Creek by blood, if he had left the Creek Nation and staid 21 years before the law was passed declaring them aliens, would it be necessary for him to apply to the Creek Council to be again admitted as a citizen?

A No more than to identify himself, if he is identified by the town king and the town officers, they were clothed with power to enroll their own citizens, but if their town officers didn't know them, it became necessary then for them to apply to the Council to identify themselves.

Q Would they then apply to the Council to be admitted as citizens?

A To be recognized.

Q To be recognized and not admitted? A Recognized and not admitted.

Q If a man was to come to the Creek Nation, who had been in Missouri for more than 21 years, and applied for citizenship in the Creek Nation wouldn't he apply to be admitted as a citizen, and so admitted by the Creek Council? Wouldn't he be as an adopted citizen?

A I don't think so; if he is by blood, he isn't adopted.

Q For instance, now, Mr.Children, if I had come from the State of Missouri to the Creek Nation-- say in 1887; that I was probably 45 or 50 years old, and I would apply to the Creek Council in 1890 to be admitted as a citizen, and I was admitted as a citizen and declared to be a full citizen of the Creek Nation, be subject to the Creek Nation laws, and have all the rights, privileges and immunities of the original members of the tribe, what kind of a citizen would I be?

A You would be a citizen by blood.

E.B. Childers, witness.

Cross Examination by A.P. Murphy.

Q Wouldn't I be an adopted citizen? A Yes sir;; if you were an Indian, you would be recognized, and therefore placed on the rolls, but if adopted, why of course, you are a citizen by adoption by act of the Council.

Q Suppose then, when I came to the Council for the purpose of being admitted, that the Council would declare me to be a citizen of the Creek Nation, subject to the Creek laws and have all the rights, privileges and immunities of the original members of the tribe, what kind of a citizen would I be? A That depends altogether whether by blood or adoption.

Q Suppose they used the word "declare". A Well that would depend upon the definition of the word. Of course I am not ~~six~~ well enough up on the English language to know that.

Q Well according to the custom. A The word "declare" couldn't be used.

Q Well under the customs in force at that time, what kind of a citizen would I be? A If you prove that you are an Indian by blood, you would be a citizen by blood-- you simply prove that you have the Indian blood, then you are a citizen by blood.

Q But suppose I had just been declared to be a citizen. A Of course, that is a matter of supposition there.

Q Would it be adopted citizen-- full citizen of the Creek Nation?

A Yes sir.

Q Would they be subject to the Creek laws? A Yes sir.

Q They would have all the rights, ~~xx~~ privileges and immunities of the original members of the tribe? A Yes sir.

Q Didn't they have, under the laws of the Creek Nation in 1890?

A Yes sir.

Q Now then you answer the question that I asked you-- if I was declared by the Creek Council to be a citizen, under the customs of the Creek Nation, what kind of a citizen would I be, under the circumstances that I asked you? A Well I couldn't answer, only this ~~many~~ way, that it depends altogether-- if you have no Indian blood, and so voted, you are simply a citizen by adoption. There are several cases where they were recognized as citizens on account of their being Indian, they are citizens by blood then.

Q Well then you can't tell what kind of a citizen I would be under those conditions? A No.

Q Suppose I didn't prove Indian blood? A It would have to be by adoption then.

Q Then if I was declared to be a citizen under those circumstances, which you would say would be an adopted citizen, and I was--- say 55 or 60 years old, and a daughter of mine had preceded me from Missouri, that was 27 years old with five or six children, would that admit her as a citizen also? A Not if you were adopted. She would have also to be adopted.

Q She would also have, then, she would have to be declared a full citizen of the Creek Nation, subject to the Creek laws, with the rights and immunities, and so forth, ~~x~~ in the same manner that I had done, under the customs of the Creek Nation in 1890? A Yes, sir; she would have to be.

Q Now Mr. Childers, when do you say that you went out of the Creek Council? A In December, '95.

Q Have you been a member of the Creek Council since that time?

A No sir.

H.B. Childers, witness.

Cross Examination; By A.P. Murphy.

Q Have you ever since that time occupied any official position in the Creek Nation? A I taken the position as treasurer of the Creek Nation at the time I went out of the Creek Council.

Q How long was you treasurer? A Three years.

Q Then you served as treasurer during the years '96, '97 and '98?

A Yes sir.

Q You was speaker of the House of Warriors up to the time you went out, was you? A For the last four years, yes sir.

Q Now Mr. Childers, coming back to this custom question, I would like to ask you one more question about that; When a man makes proof that he is a Creek by blood, what do they do-- do they admit him as a citizen? A He is already a citizen; they simply recognized the fact that he is a citizen.

Q He wouldn't have to be admitted, or didn't have to be declared to be a citizen? A No sir.

Q If they admitted him, and then declare him to be a citizen, it is because the Creek Council found out that he wasn't a citizen, didn't they? A If they adopted him, certainly.

#### RE-DIRECT EXAMINATION.

BY JOHN R. THOMAS.

Q You say that you introduced the petition, by request, at the time that Richard Adkins was declared a citizen? A Yes, sir.

Q I will ask you to look at the record of the act where he was declared a citizen: There it is there (Exhibiting).

BY A.P. MURPHY. Is that the original, Judge or a copy?

BY JOHN R. THOMAS: It is a certified copy & in the possession of the Commission here.

BY THE WITNESS: A Well this act here is a report of the committee. It isn't the original petition.

By John R. Thomas: Q I mean that is the copy of the act. A Yes, sir, it is a copy of the act.

Q There it shows that he wasn't admitted as a citizen, he was simply declared as an Indian by blood? A Yes, the petition that I introduced was referred to a committee known as the Committee on Citizenship. They made the examination-- they were given the power to hear evidence and make their official decision. And they also made a report as to their finding. Then this act followed their report.

BY THE COMMISSION.

Q Was the act prepared by the ~~Examination~~ Committee? A Yes sir.

#### RE-DIRECT EXAMINATION.

BY JOHN R. THOMAS.

Q Now after looking at the act, I will ask you to state whether Richard Adkins was an adopted citizen or a recognized citizen of the Creek Nation by reason of his Creek blood? A He was recognized as a citizen of the Creek Nation by reason of his Creek Indian blood.

Q You knew Richard Adkins--you knew Dick Adkins? A Yes, sir.

Q Did you know where Dick Adkins was born? A I don't know that personally. Of course I have heard it, but then I didn't know him that far back. He is older than I am.



N.B. Childers, witness.

Redirect examination: By John R. Thomas.

Q How long ago has it been that you heard where he was born-- in the neighborhood in which he lived up there? A Oh, it must be some twenty years.

Q What was the general opinion as to where Richard Adkins was born?

A Why his relative-- I seen people lives up on the Arkansas River say that he was born near what is known as Coweta on the railroad.

Q Is that in the Creek Nation? A Yes, sir; right in the Creek Nation.

Q Did you know Chaney Trent prior to the time her father applied for citizenship? A Yes, sir.

Q How long had Chaney lived here before that, Ellis? A I couldn't say just exactly, but I knew her at least two years before this application was made.

Q How long was Dick Adkins been here before this act, approved October 26, 1899, was passed-- that is the act that requires them to appear, where they have been away for 21 years? A I couldn't say just exactly. He was working for me about a year before this act was passed.

Q Over a year? A Yes sir.

Q Now I will get in your testimony -- yesterday you said that after the payment of 1895, that there was a complete roll of the Creek Nation made by order of the Council. Now you stated that that roll was recorded in a book which you would know if you had seen it. I will ask you to state whether you have, this morning, seen that identical roll of the Creek Nation in the office of the executive of the Creek Nation? A I seen it, yes sir.

Q I will ask you to state whether or not that roll was approved and authenticated by the Council of the Creek Nation.

BY A.P. MURPHY: The Creek Nation objects to that, because the roll is the best of evidence, and if there is any approval on the roll, in the absence of the book, we are willing for the witness to answer that.

BY JOHN R. THOMAS. Yes, because we have tried our best to get the book here.

BY THE WITNESS: A That roll was approved by the Creek Council -- that is, the roll from which it was copied.

BY JOHN R. THOMAS.

Q Did you ~~examine~~ examine the roll of Cheyaha Town this morning?

A I examined that roll, yes sir.

Q Did you find the names of Chaney Trent and her children on the roll? *ad*

Q Where is that roll, at this time? A It is in the Executive's office.

Q What do you mean by that? A Chief Porter's office.

Q Is that the last duly authenticated roll of the Creek Nation?

A Yes sir.

Q Who, if you know, has possession of the minutes of the Council, showing the approval of that identical roll, as the last authenticated roll of the Creek Nation? A McKellop has the minutes of the proceedings of the house---

Q Which house? A McKellop has the proceedings of the lower house, and among those proceedings you will find that the Colbert Commission's report was approved by the Creek Council.

Q That is the roll you saw in the Executive Office of the Creek Nation this morning in the identical Creek roll reported by the Colbert Commission and approved by the Council of the Creek Nation? A Yes sir.

E. B. Childers, witness. -35.  
Re-direct Examination by John R. Thomas.

Q At the time Richard Adkins was recognized as a citizen of the Creek Nation, by reason of his being a Creek Indian by blood, was Chaney Trent, his daughter, and her four eldest children, living in the Creek Nation? A I couldn't say as to the four children at that time, there may be some younger than that-- I couldn't say all four were living at that time.

Q Well were some of them living? A Yes, sir they were.

Q And were they living in the Creek Nation? A Yes sir.

Q And how long do you know Chaney Trent had been living here before that time? A I believe about two years.

Q Think about two years? A That I know of, that long that I know of.

Q Suppose that Chaney Trent had been living here two years before her father came here, then how long would she have been here before her father was recognized as a Creek citizen? A I really don't know when her father came.

Q You know he was here before '89? A Yes, I know that-- before that, but I didn't know how long he had been here when I got acquainted with him.

Q He had been living here a year before he made application to be recognized as a citizen? A Yes sir; I don't know how much longer.

Q You don't know how much longer? A No, sir.

Q How do you know that Albert McKellop-- A.P. McKellop has the minutes of the House of Warriors of the Creek Council-- when this roll you have mentioned was authenticated? A He has the minutes-- he keeps them-- I have seen them several times.

Q You have seen them since? A Yes, sir; I have.

BY A.P. MURPHY: The Creek Nation admits that Albert McKellop was the clerk of the house.

BY JOHN R. THOMAS: Q Will you admit that he has possession of the minutes?

BY A.P. MURPHY: A I would not.

Re-Direct examination continued; By John R. Thomas.

Q Have you examined those minutes recently-- tell about how long ago since you saw the minutes of the proceedings of the house at the time you mentioned? A It is less than a year. I had another case--something that I wanted to look up. I went down to the house and he had them, and I believe he has them yet. He asked me what year, and he looked them over.

BY THE COMMISSION.

Q At what session of the Council was that? A Those proceedings?

Q Yes. A It is the session of '95 June session of '85, I think, and his report they had was this final report, was made in the session and December session, two extra sessions, and then in the fall of '96, there was another session, and those extra sessions of-- the final report of the Creek Nation was made in 1896.

Q At what session was it that this report that you speak of was adopted?

A The Colbert Commission report?

Q Yes, the one that you were speaking of-- this roll that you were speaking of? A I couldn't say positively. There was two sessions, either one or the other, and was either in the October or December.

Q I am speaking now of the adoption of this 1896 census roll-- it is about the adoption of the 1896 Census roll. The following year after this payment was made, that year the Colbert Commission was in session, I think it was the October session of 1896.

Q Was that roll approved by an act of the Council? A I couldn't say that positively why-- I wasn't a member of the Council-- that is, I wasn't a member of the Council, I was treasurer--I was there at the time a roll--seen the roll after it came to the Chief's office.

Q Was the action of the Council approved by the Principal Chief?

A Yes, sir.

E.B. Childers, witness.  
By the Commission.

36.

#### RE-CROSS EXAMINATION.

BY A.P. MURPHY.

Q In whose handwriting was that book in that you examined this morning? A What I seen of it I recognized to be Ida Cummings' handwriting.

Q Did you recognize anybody else's handwriting in examining that book? A I did not.

Q What was the title of that book? A Census Roll of the Creek Nation of 1896, I think, something like that.

Q Now wasn't there an act of the Council passed requiring them to take a census of the Creek Nation? A Yes, sir.

Q Then that book is the census of the Creek Nation, as it was taken as far as you know, isn't it? A If I recollect, there never was an act passed for this '95 roll-- there was-- but this is ~~xxxx~~ the book as recognized, as you may say, by the Colbert Commission. Then in the book there-- first it was copied in this book just as reported by the Commission. Some of them rolls were typewritten and some in handwriting, and printed together-- all the rolls of the Creek Nation were put together and it was reported.

#### RE-DIRECT EXAMINATION

BY JOHN R. THOMAS.

Q In whose employ was this Ida Cummings at the time? A She was assisting Callahan--was really the private secretary.

Q Of whom? A Chief Ispahcher.

Q And Ida Cummings and Jim Lynch also were assisting there in the employ of Callahan-- Captain Callahan, was it? A Yes, sir.

Q What is his name? A Samuel B. Callahan.

BY THE COMMISSION.

Q Is he living or dead? A He is living.

#### RE-DIRECT EXAMINATION.

BY JOHN R. THOMAS.

Q Under whose direction was this roll made? A Under the Chief's direction.

Q The Chief Ispahcher? A Yes, sir.

Q I mean this roll that you examined this morning? A Yes, sir; that is what I am talking about.

EXAMINATION BY THE COMMISSION.

Q Do you know whether there was an act of the Creek National Council authorizing the preparation of that roll that you examined this morning?

A I don't know. There was one act passed to take the census in the districts, but that act was finally disapproved by the Chief.

#### RE-CROSS EXAMINATION.

BY A.P. MURPHY.

Q Aint it a fact that they stopped that Census Committee from making further rolls? A I don't know anything about a Census Committee.

Q Those that were making the census at that time, didn't they proceed to take the census? A There was no census taken, only by the town chiefs.

Q Well wasn't they required to stop taking that census on account of a great many being put on that wasn't citizens of the Creek Nation?

A If they were, I don't know anything about it.

Q You wasn't a member of the Council in '96? A No sir; I was treasurer; I was there in the Capital all the time.



E.B. Childers, witness.

Examination by the Commission.

RE-DIRECT EXAMINATION.

BY JOHN R. THOMAS.

Q Does this roll which you examined this morning in the Chief's office contain the ~~names~~ of all the citizens of the Creek Nation as ascertained by the Council? A I didn't examine the roll thoroughly-- I couldn't say that it contains all the rolls of the Creek Nation.

Q Well is that the roll that was intended to be complete last authenticated roll? A Yes, sir; that was the one.

RE-CROSS EXAMINATION.

BY A.P. MURPHY.

Q Did you ever see all the original rolls? A Yes, sir; I have before.

Q Have you ever examined all of them? A I believe that I examined all of them.

Q And you pretend to say that this an exact copy of the original-- this book in the Chief's office? A Yes, sir it was; we compared it; it was an exact copy; as each town roll was finished, I helped them to compare it.

Q How came you to be examining these minutes, Mr. Childers, that you claim Mr. McKellop has? A I didn't say that I examined them concerning this; I said some other matters I was looking up.

Q Have you been representing Chaney Trent, or employed by her in this matter of citizenship? A No, sir.

RE-DIRECT EXAMINATION.

BY JOHN R. THOMAS.

Q Have you any earthly interest in this ~~matter~~ <sup>thing</sup>? A I have not.  
Witness excused.

BY THE COMMISSION: THE applicant and the Creek Nation will be allowed thirty days from this date within which to submit additional testimony, upon ~~motion~~ <sup>notice</sup> to the adverse party.

Oliver C. Hinkle, having been duly sworn, upon his oath states, that, as stenographer to the Commission to the Five Civilized Tribes, he reported the proceedings had in the above entitled cause, and that the above and foregoing is a full, true and correct transcript of his stenographic notes thereof, for July 23rd and 24th, 1903.

(Signed) Oliver C. Hinkle.

Subscribed and sworn to before me this 31 st day of July, 1903. at Muskogee, Indian Territory.

(Signed) Edward Merrick,  
Notary Public.

Lena Merrick, being duly sworn, states that on the 3rd day of May, 1905, she copied the above and foregoing, and that the same is a true and correct copy of the original proceedings had in said cause.

Subscribed and sworn to before me this 3 day of May, 1905.

*Lena Merrick*  
*Notary Public.*

DEPARTMENT OF THE INTERIOR,  
COMMISSION TO THE FIVE CIVILIZED TRIBES.  
Muskogee, Indian Territory,  
October 1, 1903.

En. 78.

Supplemental Testimony.

In the matter of the application for the enrollment of Chaney Trent, et al., as citizens by blood of the Creek Nation.

Appearances: --Harry G. Davis and Thomas A. Harrison,  
Attorneys for applicants.  
A. P. Murphy, attorney for Creek Nation.

Legus C. Perryman being called and sworn as a witness testified as follows:

Examination by the Commission:

- Q What is your name? A Legus C. Perryman; the right way is Legust.  
Q How old are you? A 65.  
Q You spell your name----- A Legus. Some people though spells it L-e-g-u-s-t.  
Q What is your post office address? A Tulsa.  
Q Are you a citizen of the Creek Nation? A Yes sir.  
Q Have you ever held official position in the Creek Nation?  
A Yes.  
Q What positions have you held? A Several.  
Q Well name them. Member of Council; district judge; chief.  
Q Principal chief? A Yes sir.  
Q During what years were you principal chief? A From 1887 to 1895.  
Q During what years were you a member of the council? A Twelve years previous to 1887; that is; I went from the Council to Chief and I was in for 12 years.  
Q Have you held any official position since 1895 in the Creek Nation? A No sir, I am now a member of the house of Kings.  
Q Do you know Chaney Trent? A Slightly  
Q Did you know her father? A Yes sir.  
Q What was his name? A Dick Atkins.  
Q What was his name? A Dick Atkins.  
Q Was he a citizen of the Creek Nation? A He proved to be a citizen

Examination by Mr. Thomas :

- Q Do you mean Richard Atkins? A Yes sir, Richard

By the Commission:

- Q Do you know the children of Chaney Trent? A No sir.  
Q Do you know any of them? A No sir.  
Q Do you know whether Chaney Trent was ever admitted to citizenship in the Creek Nation? A Chaney Trent was the daughter of Richard Atkins? A No not that I know of.

Q Do you know anything in regard to an application made by Richard Atkins for citizenship in the Creek Nation? A In Council?

A Yes. A Yes sir.

Q Do you know anything about the application that he made?

A No sir; not the application, I only know of his being there.

Q You don't know whose names, whether the names of one or more persons were included in the application? A No sir.

Q Do you know whether or not it was the custom of a retiring town king to turn over to his successor the tribal rolls of his town?

A Yes sir; that was the custom.

Q In the event that the tribal roll for his town was not turned over how did the newly elected king procure a roll? A He would have to go and look it up.

Q Was a copy of the roll in the possession of the town king kept in the executive office? A Not his; they kept it at home.

Q Now, what I want to know-- was a copy kept in the executive office-- in other words while you were principal chief of the Creek Nation did you have the rolls or copies of the rolls of the different towns?

A Yes sir.

Q Did you while you were principal chief authorize or direct the town king of Arkansas town to place the names of Chaney Trent and her children on his town roll? A On whose?

Q On the town roll of Arkansas Town. A No sir. I don't recollect; that would be outside of my duty in the custom.

Examination by Mr. Murphy:

Q You mean by that you have no authority to do it? A I have no authority to use that power.

By the Commission.

Q Were you in 1890 acquainted with the customs of the Creek Nation in reference to the admission of parents and their children to citizenship? A Yes sir.

Q Where a parent was admitted to citizenship and he had children who were grown and married and heads of families did the admission of the parent admit these children that were grown and married and heads of families, and the children not named in the application?

A I don't know of any such case occurring.

By Mr. Murphy.

Q What he means by that is was that the custom? A The custom was a little different from what I answered.

By the Commission.

Q You mean that you never knew of that kind of a case? A That's it.

By Judge Thomas:

Q We would like to have him answer what the custom would be in a case like that. A The custom would be if this parent was a woman all her children would be taken at any time by even the authority of the town chief.

By A.P.Murphy.

Q Suppose it was a man? A That was owing to who that man was.

By the Commission.

Q If a man were admitted to citizenship in the Creek Nation by the Creek National Council and he had grown children who were married and the heads of families would the admission of that man include these children? A It would include them as far as citizenship was concerned but they would not know to which town to go if it was a man; they would have to take their choice as to the town; if their father who was admitted through a man then they wouldn't know what town to go to because they always go by the mother;; these towns. Q Of course you understand that the question that I have just put does not refer to minor children; are you giving this answer in view of the fact that I don't refer to minor children at all? A I don't know that it makes any difference whether they are minors or not.

By Mr. Thomas:

Q Suppose the father established his right to citizenship by blood? A Yes sir. Q Suppose that the matter is not of citizenship? A Yes sir. Q Would not the children become citizens by blood upon the father being recognized? A Yes sir. Q And would not they go to the town the father belonged to? A It was owing to their choice. Q They have their choice? A Yes sir .

By the Commission.

Q Suppose a man 60 years of age applied to the Creek National Council in 1890 for admission to citizenship and he alone being named in the application, and he had a daughter 30 years of age who was married and the head of a family, would the admission of that man admit the daughter?

A It was owing to how he was admitted; if the proof is right by blood all his children would be ~~ad~~ citizens.

Q If a man made application to the Creek National Council for citizenship, no other name being included in the application, the man was 60 years old and he had a daughter 30 years of age who had not resided in the Creek Nation for 21 years, and she was married and the head of a family, would the admission of the father also admit that daughter? A That's my opinion; that is if it was by blood this man proved; but if he was just merely adopted, just to take him in the family of the Creeks was adopted, not proving by blood, it would not carry any more than him.

By Mr. Thomas.

Q Was he admitted as by blood or adopted?  
(Objected to by Mr. Murphy because the record is the best evidence.

By the Commission.

Q You weren't principal chief of the Creek Nation in 1896?

A No sir.

Q Were you at that time a member of the council? A No sir.

Q You were at that time holding any official position in the Creek Nation? A No sir.

By Judge Thomas.

Q Did I understand you to say that you were personally acquainted with Richard Atkins, the father of Chaney Trent? A No, I was only slightly acquainted with him.

Q You knew him when you saw him? A Yes sir.

Q Were you present at the Creek Council when he was recognized as a citizen by blood of the Creek Nation? A At the council?

A Yes sir. A Yes sir.

Q Were you a member of the council at the time? A I guess I was chief at the time.

Q Do you remember the circumstances of his recognition as a Creek Indian by blood? A No sir.

Q You don't remember that circumstance? A No sir.

Q During the latter part of the year 1895 was there a complete roll of the different towns of the Creek Nation presented to and ratified by the Creek Council? A There was a roll that was presented and ratified by the Creek Council but I don't know whether it was in 1895 or not.

Q What's your best recollection of it? A I know it was about that time.

Q In what shape were these rolls at the time you went out as chief? A They were in a paper a little longer than that--(showing foolscap paper) -- and typewritten; a little stiffer paper than this, and each town was tacked together and rolled together when I left office.

By the Commission.

Q Was that roll to which you have referred as having been approved by the national council about 1895 the one upon which the committee of 18 reported? Is that the roll to which you refer? A Was that the committee they called--

Q It was usually called the Committee of Eighteen. A It was the roll upon which they drew some money-- I think it was \$14.00 and something or \$19.00--\$29.00 was first, that was under my administration and then they again drew of the two or three hundred thousand-- that is less per capita. That was the only roll that was made to my knowledge unless it was for the purpose of drawing annuities; I think it was the last one that I had referred to that was in typewriting.



Q That was a roll upon which a payment was made? A There was one of the rolls; I know we used to pay them without any intervention of the council but there was so much question about new people coming in and being enrolled only by the town chief one of these rolls was submitted to the council for ratification and inspection and I think that last one was the one.

Q Has there ever to your knowledge been a tribal roll of the Creek Nation approved by the Creek National council since the year 1895 pay roll at which time \$14.40 was paid out per capita? A I don't recollect; I don't believe there was.

Q You don't believe there has been any? A I think not; I am pretty certain.

Q There was no action either by the council or otherwise in taking the roll of these people outside of this last payment? A None.

By Mr. Thomas.

Q Do you remember the Colbert Commission? A No.

Q The Commission appointed to investigate-- A I heard of it.

Q Was that after you went out? A Yes, I think it was to investigate whether the parties that were enrolled were enrolled properly.

Q Were you present at the time the report of the Commission was made, on these rolls? A Which rolls?

Q The rolls that were submitted to the council by the Commission? A Yes sir; for this payment-- I think it was 1895; I guess it was immediate approval-- it was approved by the council-- one of those rolls.

Q You don't remember which one? A I am pretty certain it was the last one.

Q I want to know whether there was a record made of that roll?

Whether the roll was approved by the Council-- the record so approved was recorded in a book? A No I don't know.

Q You don't know of your own knowledge? A No sir.

Q I will get you to state whether you bought a book for that purpose while you were chief? A I think I did.

Q Do you know that book when you see it? A I don't know.

Q Look at that book right in front of you and state whether or not that is the book you bought as chief for the purpose of having the roll of the citizens of the Creek Nation recorded according to the approved roll? A I don't think I had anything to do with the book; that is in the writing-- I might have bought this book. (He examines it). No, I didn't make this roll, but it is the names of the towns and the names of the people, and I guess it is a copy of that roll that was approved.

Q Well in looking over it, I will get you to tell the Commission--

A Of course I wouldn't know all the people in all the towns but I know some towns that I would know.

Q Look at Cheyarhore town on page 48, What book is that? What does it purport it to be? A It purports to be belonging to the executive office of the Creek Nation.

Q What does it say on the back of it? A Census roll of 1896.

Q Of what do you suppose? A Of the citizens of the Creek Nation.

(It is hereby agreed by the attorney for the Creek Nation and by Harry G. Davis and Thomas A. Harrison representing the claimants that the book just referred to by the witness, Legus C. Perryman, was the census roll of the Creek Nation for the year 1896 is the identical

book referred to by Ellis B. Childers in his testimony heretofore given in this case.

Q I will get you to look on page 52; look at the numbers on the left hand column of page 52, beginning with the number 163 and read the names that you find recorded on that book under the head of members of Cheyarhar town. A 163 Chaney Trent; 164 Frank Trent; 165 Willis Trent; 166 Mary Trent; 167 Lendrew Trent.

Q Is the Chaney Trent whose name appears there the same Chaney Trent who sits just back of you here and is the claimant in this case? A I guess it is, that's all the Trents in that town.

Q There were no other Trents in that town? A No sir.

Q While you were chief of the Creek Nation was Chaney Trent, and her children named there, recognized as citizens of the Creek Nation and members of Cheyarhar Town? A Richard was.

Q Richard Adkins? A Yes sir.

Q I am asking asking you about Chaney Trent? A I didn't know Chaney Trent till they brought the question to me sometime back.

Q So you don't remember? A I don't know Chaney Trent personally nor even Richard only by records and then seeing him there making his application to the council and then being up there?

Q You mean proving his citizenship? A Yes, sir, but I didn't know his children. Now 'cause I have got acquainted with her since that time so that I don't know whether she's Richard's daughter or not.

Q You cannot swear to that? A No sir.

Q Suppose this sort of case; That Richard Atkins was recognized by the council of the Creek Nation as a citizen by blood of said Nation suppose at that time he had living within the Creek Nation a daughter who was married and had children, suppose that she had lived here two or three years or four years prior to the time of the recognition of her father as a citizen of the Creek Nation; would the recognition of Richard Atkins, ~~make~~ her father as a citizen by blood under the laws and customs of the Creek Nation make his daughter Chaney Trent, a citizen by blood? A Yes sir.

Q You don't remember you say when this record of the rolls was made?

A No, cause I had left the office; this is 1896.

Q When did you go out of office? A 1895.

Q What time in 1895? A In the fall of 1895.

Q Wasn't it the 5th of December 1895? A Yes sir.

Q So there was only a little of 1895 but what you were chief?

A But this was 1896.

Q But this is the roll that was made then; this is the record of the rolls you think was made after you went out as Chief? A Yes. this record was a----- I am <sup>certainly</sup> certain it was taken from the roll that was adopted by the council in my time.

Q Was there during your time as chief a roll of Chayarhar town adopted by the Creek council? A All the towns were at one time.

Q About when was that? A I guess it was sometime either in 1894 or 1895.

Q You don't remember which? A No, I remember it was that payment; you will find the records of that payment-- prepared for that payment was when they adopted these rolls.

Q Wasn't it a fact that after the payment was made complaint that parties were on that roll and had been paid who were not entitled to citizenship or participation in the fund and that thereupon the Creek council appointed a commission known as the Colbert Committee to go through those rolls and report on them to the council such names as should be stricken from the rolls? A That was after my time.

Q Do you remember? A I heard of this Committee; it was under Isparhecher's administration--Colbert's was.



Q Did they give that roll any name at the time it was adopted?  
A I don't know.  
Q You don't remember? A No, I think though they called it the Colbert roll.  
Q It was called the Colbert roll? A I think so.  
Q Do you know anything about the minutes of the council? Who was the Clerk of the House? A A.P. McKellop.  
Q Albert P. McKellop? A Yes sir.  
Q Do you know who had possession of the records of the council?  
A He did of one house.  
Q Of which house? A House of Warriors.  
Q Have you ever seen the record in his possession? A Yes sir.  
Q Of the approval of those rolls? A Seen in his records the approval of those rolls?  
Q Yes. A I don't recollect; he should have it- takes the minutes of everything that passed.  
Q Do you know as a matter of fact that those rolls were approved?  
A I think they were; I am pretty certain.

By the Commission.

Q What rolls do you refer to? A I mean the pay roll.

By Mr. Thomas.

Q You don't know as to the roll that was presented by the Colbert Commission? A That was after my time; that's a kind of a fictitious matter-- that's my opinion; but this roll that was approved was considered an authority and payment was ~~made~~ made on these rolls.  
Q Do you know whether the payment was completed in 1895 or whether it ran over in 1896 before it was completed? A I don't know.  
Q You don't remember? A No, I know of several ~~instances~~ payments that were made that would run over sometimes 2 or 3 years before we finished it in consequence of some man's name being omitted; it would be reported to the council and the council would appropriate different funds to pay all the members equal payments.

By the Commission.

Q This case to which you have just referred -- that was done by a special act of council, or was it by a general act covering all who were omitted? A The act would be only an appropriation that would show that they were omitted; in an early time there was no question as to the integrity of the rolls of the town chiefs until this last one I am talking of; consequently, if the town chief came up and said "I forgot this man and left him off" and would explain generally, they would appropriate other money for it without further parley.

By Mr. Thomas .

Q You spoke a while ago of not remembering an instance where parties had been admitted and had children living out of the State--  
A Heads of families?  
Q You don't remember any case of that kind? A No.  
Q Don't you remember the Morton family? A Yes I do.  
Q How was that? A The Morton family was adopted in the way that called adopted-- approved their rights --this man, Green Hodge he

is living today on North Fork and his sister Mrs. Morton -- you will find that their names appears and only there on some of the old books in the office; they lived in Texas when they first made application and they come home here after they proved their rights; brought it seems to me like about 12 children from this woman; his sister, Mrs. Morton's children; The Mortons that's here now; and the town chief asked me that I recollect him asking me whether he would have a right to put these names of the children that was away; now, in answering that a while ago-- I am pretty certain that they wasn't married-- but it appears that they were of age, some of them; that question hung around and went to the council; it was just recognized that they were citizens because they were children and they were on the rolls.

Q What is your age, Governor? A Sixty five years born in 1836.

Q Where were you born? A Born over here at a place called Socon about three miles from Tallahassee Mission.

Q In the Creek Nation? A Yes sir.

Q You say you were a member of the Creek council for 12 years?

A Yes sir.

Q How long have you been a member of the House of Kings? A Until this last year.

Q You were from 1887 until the 5th of December 1895 principal chief?

A Yes sir.

Q You have had a good deal of experience in reference to these citizenship matters, haven't you? A Yes sir.

Q Have you ever known a single exception to the rule that where a parent has been recognized and enrolled as a citizen of the Creek Nation that their children were not recognized and enrolled as Creek citizens-- if they were living ~~am~~ here and claiming their rights? *A I don't know of any single exception to that rule? A You mean by action of the Creek Council?*

Q Yes, by them or other people. A Yes sir, that's it.

Q The rule is that where the parents has been admitted as a Creek that they admitted his children? A That's my opinion.

#### Examination by Mr. Murphy :

Q Mr. Perryman, you say the last authenticated roll of the Creek Nation was the 1895 pay roll? A I don't know just ~~what~~ the time; the last pay roll.

Q The last pay roll; the \$14.40 payment? A Yes, sir, that was the last I know.

Q You have examined the book you have open here before you called "The Census Roll, 1896, Creek Nation"; what did you state that that book contained? A A roll it seemed to me.

Q Does that ~~question~~ contain a roll of the entire Creek Nation?

A I don't know; I haven't looked it over enough.

Q What is an authenticated roll? A It ought to be to hold the signature of some official.

Q It was a roll that was made up of all the towns of the Creek Nation presented to and acted upon and adopted by the Creek Council, wasn't it? A Yes sir.

Q Wasn't it entered upon that roll somewhere by some officials when it was adopted, what action was taken in regard to it; wasn't there some entry made of it somewhere? A This is the one I guess.

Q Isn't there some entry made on it? A There was no entry made when I was there.

Q I say on this roll, isn't there some entry certified to by the town king or chief or some official showing that it was an authenticated

roll or that it has been adopted by the Creek Council? A Yes sir.  
Q I will have you examine this book and say if there is any such entry on it? A No sir, I looked for it.  
Q Does an authenticated roll contain or ought it contain all the towns in the Nation? A Yes sir every one of them.  
Q Then if a roll or book does not contain all the towns it is not an authenticated roll? A It is not a complete roll.  
Q Does the Creek Council ever adopt or have they ever adopted any roll that does not contain all the towns in? A No sir.  
Q I will have you examine that book and turn to Broken Arrow Town and give me the names of the first person in Broken Arrow Town.  
A It isn't in there.

Statement by Mr. Thomas: "I understand that there is three towns that are not in this book and we will explain why; the chief told me that there was three towns that have been omitted").

Examination by Mr. Murphy .

Q Is there not 47 towns in the Creek Nation? A Yes sir.  
Q How many are there in that book? A Forty five.  
Q Only Fortyfive in that book? A Yes sir.  
Q Then this is not a roll of the Creek Nation? A Forty-five rolls is not a complete record of all the towns.  
Q Do you remember in 1895 of their being an act of the National council passed appointing a Commission to examine the rolls of the Creek Nation and to report to the council of those that were and entitled to citizenship and those that were not? That they made a report to the Council specifying the parties that were entitled and also specifying that there 619 not? A I guess that's the Colbert; I don't know anything about it.  
Q I am speaking now of what was known as the Committee of Eighteen-- and they were authorized to examine the rolls and report to the Council, do you remember that? A I don't.  
Q Do you know of the roll that was called the 1895 Doubtful Roll? A I don't. I may know it when I see it.  
Q Now in 1895 at the payment proper there were a great many that wasn't paid and they made another roll, didn't they, of those that they failed to pay, which was called the Omitted roll of 1895?  
A Yes, sir, Omitted.

(The 1895 Doubtful Roll presented to witness).

Q Now examine this roll, Governor-- A I don't recollect anything about this roll, but I do know there was a committee in which William Robinson was in; this had reference to only the freedmen, wasn't it? Robinson was on that committee was authorized to investigate the noncitizens from the Freedmen.  
Q Do you remember a session of the Council in June 1895? A Not just now.

Examination by the Commission:

Q Was Edward Bullett the Second Chief in 1895? A Yes sir.  
Q Did he act as principal chief part of that year? A Yes sir.

By Mr. ~~XXX~~ Murphy.

Q Do you remember a Committee of which N.J. Smith was Chairman and Mildred McIntosh was Clerk that was appointed to correct the rolls

of the towns as handed in to the Town Chief? A No sir.

Q I believe you stated that you knew what the customs of the Creek Nation was in 1890? A Yes sir.

Q When a man went to the Creek Council and filed his application and was declared to be a citizen of the Creek Nation, what kind of a citizen would that make him? A There have been to my knowledge no adoptions made by a Creek; there have been no adoptions made by my people in that town or any other; they have only approved their rights, and if the word "adopted" appears in the books it is an error.

Q I didn't say adopted; I said declared? A Yes sir.

Q What kind of a citizen would he be? A He would be a citizen in full faith.

Q If the man was declared to be a citizen of the Creek Nation by the Council without specifying any other person in the application or act under the customs of the Creek Nation would that make a daughter of his a citizen that was 27 years old, that was born in Missouri, married and head of a family? A That would be a pretty broad question as to custom; there had never nothing appeared like that in my time.

Q If a man came from Missouri to the Creek Nation, lived here for two or three years or four years; he had a daughter that was born in Missouri, and had lived in Missouri until she was 27 years of age, married and head of a family; she came to the Creek Nation; if the father applied to the Creek Council without specifying anyone else and he was declared to be a citizen of the Creek Nation would that make that daughter and her children citizens? A She wouldn't be known but if she makes herself known I don't know what they would do.

Q Wouldn't she under those circumstances have to make an application to the council also and be admitted? A I suppose so; I don't know; I will tell you in this case where you have reference to locations; the Creeks where they made rolls for payment generally when they find a Creek citizen, I don't care where he was, if he come for his money he got his money; it didn't make any difference where he was.

Q But in admission to citizenship it does? A It may.

Q What was the effect upon a Creek citizen if they remained outside of the Creek Nation for 21 years? A Well, since that act-- that act was passed for the simply reason that it appeared that the Creek Nation had come up against something under the influx of people coming in that they passed that act of 21; since these people were adopted; and of course if any case come under that.

Q That act was passed before that? A No sir.

#### Examination by the Commission:

Q Referring to the last question asked you by Mr. Murphy, who, if anyone, would have the authority to place that married daughter on the Creek rolls? Has anyone authority to put her in? A From the custom the Town Chief would. But maybe the Council personally.

Q In the event that the town chief placed her name upon the roll was his action subject to review by the National Council? A Yes sir.

#### Examination by Mr. Murphy

Q Did you during your time as Chief ever order a town chief or King to put anybody on the rolls? A I could not; unless it was this way; unless it was that there was parties adopted and that this adoption is a woman and had children and this town chief had failed to put those on.

Q Only where he had failed; where they had been <sup>admitted</sup> ~~admitted~~ by act of Council and he had failed to do it? A Yes sir; I don't believe I ever done it; I might suggest it.

Q Did the town chiefs have authority to transfer citizens from one town to another without the action of the Council? A Yes they had it from the authority of the Council; that is, giving the town chiefs of the town which this citizen wishes to leave and the town which he wishes to join, the old custom is that if it is satisfactory to those two town chiefs that any one person of any one town could change but they must consult these two town chiefs.

Q And be on the roll that they wanted to transfer from? A Yes sir.

Q If they are not on the roll they wouldn't be transferred over?

Has the town chief any authority to put anybody on the roll?

A The town chief has no authority to put anybody on the roll that is on the roll of any other town unless it is through the knowledge of the other chief.

Q Suppose a party wasn't on the Arkansas roll but the Arkansas Chief would give his promise to the Chief of Cheyarhar town to put them on his roll, would he have the authority to do that? A No sir.

Examination by Mr. Thomas:

Q Suppose they were on the Arkansas Town roll and desired to be transferred to Cheyarhar town and it was agreeable to the chiefs of both towns, could they regularly be transferred? A That's what I explained before; and if they are on the town rolls and it is agreeable then they can transfer; but he would have no authority to direct the other chiefs if they wasn't on the roll.

Q The judges of the district courts had no power to direct the town king what to do in matters of that kind? A No sir.

Q But as citizens of the Creek Nation and prominent officials their suggestions might be acted on and taken as advice by the town king, and frequently was, wasn't it? A I don't know; you mean the District Judges?

Q Yes. A I don't know.

Q Suppose a new town king came in and said "I don't know whether it is my duty", and he applies to the judge of the district and he says "allright", of course you should"--- A The court had a right to do that.

Q But the judges could not determine the right of citizenship unless it was turned over to them? A No sir.

By Mr. Murphy:

Q You stated a while ago there was a copy of all the rolls kept in the Chief's office? A Yes there was.

Q These rolls contain the names of all the towns, don't you say they? Of each town? An exact copy of what the town king has, isn't it?

A Yes sir.

Q If the town king does not turn over his rolls to his successor he can go to the Principal Chief's roll and ~~make~~ make him a roll, can he? A Yes sir.

Q And that would be a correct roll, isn't it? A Yes sir.

Q After the 1895 roll was made and passed on by the council was



there anybody that had any authority to add any names to that roll and make payment? A ~~Yes~~ Not that I know of.

By the Commission.

A roll of citizens of Cheyaha Town, Creek Nation, is examined and the following is attached thereto: Okmulgee M.H. June 5, 1895. Hon. National Council: Gentlemen: We, Your committee on census, beg to submit the accompanying as a correct census of Cheyaha town. Respectfully, Mose Smith, Chairman. Adopted. Taylor Chissoe, Pres, H. of K. pro tem. J.H. Lynch, Clk. Concurred in T.J. Adams, Sp. H of W pro tem, A.P. McKay Clk. Approved June 6/95. Edward Bullet Sec S acting prin chief M.H. C.S. Smith Sec'y pro tem.

Said roll has been carefully examined by the Commission and the names of none of the applicants herein are found thereon.

Examination by Mr. Thomas.

Q Do you know Mose Smith's signature? A Yes I do.

Q Was that written by Mose Smith? A I guess not; I think not; I wouldn't call that his signature.

Q Do you know Taylor Chissoe's signature? A Yes sir.

Q Referring me to the paper attached to the roll purporting to be the census of Cheyaha town, Muskogee Nation, Indian Territory, taken May 1895 in which appears the words "Mose Smith, Chairman" was that signature written by him? A No sir.

Q Were you acquainted with Mose Smith? A No sir.

Q Is that his genuine signature? A If it is the Mose Smith that I used to know in the council it is not his signature.

Q You were principal chief at that time, June 5, 1895? A Yes sir.

Q Is that Mose Smith's signature? A You might make it all short by this: Those clerks had written these books.

Q Here appears the word "Adopted" and a signature purporting to be signed by Taylor Chissoe, president pro tem House of Kings; is that his signature? A I think not.

Q Marked down here "Concurred in, T.J. Adams: is that T.J. Adams' signature? A No sir.

Q Then lower down, "Approved June 6, 1895". Signed "Edward Bullet" Sec and Acting principal chief M.H. Is that Edward Bullet's signature? A No sir.

Q Why do you know it is not his signature? A He is illiterate.

Q He cannot write? A No sir.

Q Can he write his name? A No sir.

By Mr. Murphy.

Q I believe you stated that Edward Bullet was second chief?

A Yes sir; this seems to be all right; I take this roll as being genuine; the formality is all right and I know several times the council would pass bills that way where they would be signed that way.

Q By the Clerk? A Yes sir.

Q The Clerk would sign the president of the House of Kings and his own and the clerk of the House of Warrior's would sign the speaker's name also? A Yes unless the Chairman and speaker was intelligent people.

Q Do you know C.S. Smith and his signature? A Yes sir.

Q Is that his signature? A Yes sir.

Q And he wrote Edward Bullett's signature? A I don't know--don't look like it; I guess he wrote it.

Q But you say, in your judgment, this is the proper roll? A I guess there is no one man in the Nation could certify to the correctness of one town roll.

Q But you would say that this is a genuine roll? A Yes, it shows to be that.

By Mr. Thomas.

Q Now, Governor, that might be presented here in that way, you would conclude with equal certainty that that might be genuine, even if it was covered by an old cover like this? A I am so familiar with their writing these Clerks and the formality-- if there was anything that wasn't right I would very near know it.

Q Suppose that that was put on some other roll, these signatures were put on there, would that be any proof that that was a genuine roll any more than any other? A It is owing to the formality and the signatures of the parties that I know.

Q You don't know what was done with that roll of your own recollection? A No sir, don't know anything about it. But the formality of this thing-- it is all right in my opinion.

Q It aint that these clerks signed the different parties names to it? A They did do that.

By the Commission:

Q Do you know whether or not the Clerks were authorized to sign these names? A I don't know.

By Mr. Murphy:

Q They were generally authorized? A If they was acquized and accepted; they would go to the chief.

Q On the back cover of this roll is written the word "Cheyarhar" whose writing is that? Did Jim Lynch write that? A I know that aint Smith's.

Q Aint is Lynch's writin? A I believe it is.

By the Commission:

Q I will ask you to look at the back of this and on the certificate that is attached to the roll and see if the word "Cheyarhar" there and this on the back were not written by the same party?

(Mr. Thomas says "yes sir").

Case adjourned till the following day.



On October 2, 1903, the case is continued, and S.B. Callahan called as a witness, being sworn testified as follows:

Examination by the Commission:

- Q What is your name? A S.B. Callahan.
- Q How old are you? A I am seventy years old.
- Q What is your post office address? A Muskogee.
- Q Are you a citizen of the Creek Nation? A Yes sir.
- Q How long have you resided in the Creek Nation? A Well, sir I have been living consecutively in the Creek Nation since 1885.
- Q Have you ever held any official position in the Creek Nation? A Yes sir.
- Q What positions? A I was private Secretary for Samuel Checota first.
- Q Who was he? A A Principal Chief of the Creek Nation; afterwards I was private Secretary under Bullet.
- Q Who was he? A He was principal Chief twice. Then after that private Secretary under Spihehhee, xx principal chief.
- Q Have you ever held any other office positions? A Yes sir.
- Q What? A I have been on the Supreme Court; Chief Justice of the Supreme Court of the Creek Nation for a short time.
- Q Any others? A Yes sir; I have been National Delegate to Washington.
- Q When you was private Secretary to Bullet, was that during the time he was second chief and acting principal chief? A Yes sir; Legus Perryman had been suspended.
- Q What year was that? A That was in 1895, my recollection is.
- Q Who succeeded him? A Ispahchee.
- Q When did he succeed him? A He was installed on December 5, 1895-- Ispahchee was.
- Q How long did he hold the office of principal chief, Ispahchee? A Four years.
- Q Were you his private secretary during his entire term? A No sir first two years; from December '95 to October '97.
- Q Were you private Secretary to Bullet at the session of the Creek National Council in June, 1895? A No sir; I wasn't I think Mr. McIntosh was at that time; I didn't serve but a short time under Bullet and McIntosh was appointed in my place, I resigned.
- Q Did you hold any official position in the Creek Nation in June, 1895? A Yes sir; I was-- I don't think I was; I think I was clerk for the supreme court at that time.
- Q Do you remember when the last payment was made to the Creeks? A It was in 1895; I don't remember what month and what day; it was in 1895 though.
- Q Was that payment made upon an approved roll of the Creek Nation? A I cannot say, I don't know whether the rolls were approved or not; I don't know.
- Q Do you know whether or not there has been a roll of the citizens of the Creek Nation since 1895 payment? A Yes sir; there has.
- Q Was that roll adopted by the National Council and approved by the principal chief? A It was adopted by the National Council; I don't know, I don't remember now whether the principal chief approved it or not. The Council approved the rolls and simply sent down to the executive office; if he approved the rolls I don't remember it; he might have done so but I don't remember it.
- Q Is it a fact that on account of your sight failing you are you *are not* able to read aridnary writing? A Yes, sir I have been practically blind for the last three years; haven't been able to read; my eyes have been effected by disease.

Q Are you familiar with the manner in which bills, resolutions and reports of committees become laws of the Creek Nation? A Yes sir.  
 Q I will read to you a report of a committee to the National Council and action thereon: "Okmulgee, M.N., June 6, 1895. Honorable National Council. Gentlemen: We, your committee on census, beg to submit the accompanying as the correct census of Cheyarhar town. Resp'y Mose, Smith, Chairman. Adopted. Taylor Chassee, pres H of K pro tem. J.H. Lynch clk. Conferred in T.J. Adams, Sp R of W pro tem, A.E. McKay Clk. Approved June 6/95 Edward Bullet Sec B acting prin Chief M.N. C.S. Smith Sec'y pro tem."

Q Is that the usual way in which a report of a committee of this character becomes a law? A That's the usual form.

Q Were you acquainted with the custom of the Creek Nation in reference to the admission of parents and their children to citizenship in 1890-- were you in 1890 acquainted with the customs?

A Yes sir.

Q Where a man was admitted to citizenship and he had children who were grown and married and heads of families, the mother being a non-citizen, did the admission of the father admit the children who were grown and married and heads of families, the children not being named in the application? A No sir; where they are not named in the application they are not admitted as I have just stated would it be by that act of council.

Q In the case of a man admitted as I have just stated would it be necessary for a child of his who was of legal age, married and the head of a family, in order to become a citizen of the Creek Nation to make application herself? A Yes sir; that's my recollection about the matter.

#### Examination by Mr. Thomas:

Q Captain, suppose a resident of the Creek Nation applied to the council and established his right to citizenship in the Creek Nation by blood; his rights as a Creek Indian by blood were admitted and he recognized by the council as a citizen of the Creek Nation would that necessitate the proving of Indian blood or right to citizenship on the part of his children whether they be of age or not?

A Well, if there was any question about it as a usual thing the town regulated that part of it, the towns did the enrolling, or if there was no question about it the towns would enroll these children whether they applied to the council or not.

Q If the father having established his right to citizenship by blood his enrollment then the town king of the town to which he belonged did that town king have the right to enroll his children as citizens and would that make them citizens of the Creek Nation under the laws and customs? A Yes sir that was the custom; they enrolled them and afterwards the rolls were submitted to council and the council would approve the rolls and make it final.

Q You were asked here a while ago with reference to the roll for Cheyarhar town for the year 1895; state whether or not there was an official roll of Cheyarhar town and the balance of the Creek Nation made and approved by the council after that? A Yes there was.

Q In what year was that roll made and approved by the Council? A It was in the year 1896.

Q By what authority was that roll made? A By authority of the council.

Q Of the Creek Council? A Yes sir.

Q The authority for the making of that roll having been given was there a complete roll of the Creek Nation made in the year 1896?

A Yes sir; there was; rolls submitted from the towns; complete rolls.

Q What was done with the roll submitted from Chayhar town?

A It with all the others were submitted to the council; the council approved these rolls.

Q What was done with the rolls after they were approved?

A They were sent down to the executive office and I stored them away in a box; tried to keep them there, but some of the rolls were taken out.

Q How many towns were taken out so that you could not get access to it? A There was three rolls I couldn't find when I wanted to have them transcribed in to this book; I couldn't find them.

Q State whether or not you had the rolls which had been approved by the council transcribed into this book. (Pointing to large book which had been introduced by applicant's attorney.)

Q Yes sir I did.

Q State whether the roll of Chayhar town which had been approved as correct by the council of the Creek Nation was transcribed into this book as approved? A Yes sir, it was.

Q Who did the writing for you? A Miss Neely Todd.

Q Where does Miss Todd live? A Here in Muskogee.

Q Explain to Captain Beaver how that roll came to be made and who the moving spirit was to have that new roll made?

A The Council passed a resolution that a correct census should be taken of the Creek Nation and I think Mr. HENRY D. M. Hodge of Tulsa was over; and helped in getting up the resolution-- I heard him talking; the council passed a resolution authorizing the towns to make out their own rolls, a census of their own towns; and there was some talk about appointing census takers and Mr. Hodge said he didn't think that would work well; he thought the town chiefs and the officers of the town were the proper parties to take this census roll from the fact that they were acquainted with the people and that they could get up a more correct census than the census takers and the council passed an act authorizing the town officers to take a census of the towns. That resolution was passed sometime in December 1895. During the year 1896 the census rolls were made out by the different towns and submitted by the council in 1896 and were approved by the council.

Q Then what was done with the rolls with reference to this book? A I had these rolls transcribed in this book.

Q What became of the original rolls? A They were in the executive office when I left.

Q As far as transcribed into this book are these rolls correct?

A Yes sir.

Q Do they properly represent the citizens of the different towns in the Creek Nation under the respective names of the towns? A Yes sir.

Q Did you know Richard Atkins in his life time? A Yes sir.

Q Do you know Chaney Trent? A No sir, I am not acquainted with her. I knew Dick Atkins.

Q Do you remember the town he was recognized as a citizen by blood?

A I remember something about that; I remember his name and seeing him at council.

Q Was there a distinction between parties who were adopted as citizens and those who were recognized by the council as Indians by blood so far as it applied to their descendants? A In other words was this not a rule: Where a party was adopted, then only the parties named in the petition acted upon by the council were admitted?

A Yes sir.

Q Where they were recognized as Indians by blood, however, was it not the rule that their descendants became citizens by the admission of the father or mother as the case might be? A That is a matter that the town chiefs or the town authorities passed upon and

they would make out the rolls as I stated before; in passing an act of council in admitting citizens by blood where he was admitted by blood it required no act of council to admit the other descendants.

Q Where a citizen was recognized by the Creek Council as a citizen by blood were his descendants born before his recognition and enrollment as well as those born afterwards entitled to enrollment by the town chief? A Yes sir; that was the custom.

Q Did you ~~xxx~~ cause these rolls recorded in this volume entitled on the back "X Census Roll 1896 Creek Nation" to be compared with the original rolls after they had been ~~xxxxxxxxxx~~ recorded in this book; did you have them compared? A I don't remember about that; but Miss Todd checked the names as she recorded them; when we got through with that roll the work it was completed; I don't see how she could have made any mistake in enrolling.

Q Were any names recorded in this book where parties had not been duly admitted and recognized by the council of the Creek Nation?

A No sir, because that roll contained all the members of that town and the rolls had been approved by the council and subsequently there was no one on that roll who was not recognized as a citizen by the Creek Nation.

By the Commission.

Q The book referred to which is presented in evidence by the attorneys for the applicants after a careful examination fails to show that it was adopted by the national council or approved by the principal chief.

By Mr. Thomas.

Q The roll of each town in the Creek Nation copied into this book was approved by the Creek ~~Nation~~ council in lawful session in the month of October, 1896? A Yes sir.

By Mr. Murphy:

Q When did Mr. Bullet become chief of the Nation, Captain?

A My recollection is that he succeeded Legus C. Perryman.

Q Did Perryman serve out his term? A No sir.

Q What was the matter with him Captain? A He was suspended by the council.

Q Isn't it a fact that he was impeached by the Creek council?

A Yes, afterwards he was.

Q What for? A He was suspended during a called session in October and at the regular session in October he was impeached.

Q For what? A I don't remember what they were now--they had filed a number of charges.

Q Do you remember any of them? A I did know; but I don't know now; I can't say.

Q There were a great number of charges against him? A Yes sir.

Q But some time afterwards he was pardoned by the council?

A I think he was but I don't remember distinctly about that.

Q He never served as chief any more? A No sir.

Q You spoke a while ago of a census made-- by the different town chief's wasn't it? A By the town authorities.

Q After that census was made, isn't it a fact there was a committee was appointed by the council to correct the census rolls of the several towns as handed in by the town chiefs? A I think there was a committee appointed by that council when the rolls were handed in and there was a report by the council and the council acted upon the report.



Q They made a report of the number that was on the rolls? A I don't exactly know but the substance was that they found the rolls to be correct.

Q Who was chairman of that committee? A I don't remember.

Q Wasn't it M.J. Smith? A I don't remember.

Q Do you remember of Mildred McIntosh being the Clerk? A I don't remember that; I know she was their clerk or for the different committees.

Q Now the next election which was held in the Creek Nation was based on that census roll, wasn't it, as to the number of warriors, kings etc. as approved by the council--A Well, all that were on these rolls were entitled to vote.

Q Didn't they base their next general election held for members of the National council on the number of citizens as shown by the census roll? A I suppose they did.

Q That committee in making their report--do you remember of their reporting that there were several on that roll that was doubtful?

A I don't remember.

Q Didn't they make in their report that they were stricken from the rolls as doubtful--619 of them? A I don't remember that; I wasn't a member of council; I don't know what they did.

Q But this census that you refer to--or this is the census that you referred to that was taken that a committee was appointed by the council to correct, the census of the several towns as handed in by the town chiefs--is that a fact? A These rolls that you referred to in your examination a while ago as being the last roll that was made? A As I stated I don't know what they did only the act of Council in approving these rolls and the rolls were sent down to the chief.

Q But do you remember that this census that you refer to where the town chiefs made the census of the different towns--you remember that that was referred to the council and the council appointed a committee to consider and correct them and that committee made their report to the council? A That's my recollection.

Q The council has reported citizens at times as being doubtful, haven't they? A Why, yes; there has been a citizen committee there in session a long time to examine into the doubtful cases but I don't think any of these doubtful cases were enrolled until finally passed on.

Q Where that citizenship committee passed on the rolls they reported 619 as being doubtful--a great number anyhow? A I don't remember the number; there was a report that there was quite a number of citizens on the doubtful rolls.

Q Now, when they made that report as being doubtful citizens were they considered citizens of the Creek Nation until they established their rights before a proper tribunal therein? A No sir, they were not put on the authenticated roll.

Q They were put on the doubtful roll? A Yes sir.

Q And they were not considered citizens until they established their citizenship before a proper tribunal? A Yes sir.

Q In other words the Colbert Commission was created after that to pass upon these citizens, were they not? A I believe so; after that.

Q Those citizens that were considered doubtful were not considered citizens until after the Colbert Commission passed upon them and admitted them as citizens? A No, they were not citizens until finally passed upon.

Q Is this book they have referred to as Census Roll of 1896 of the Creek Nation--as that the final report of the Colbert Commission--the book referred to--A It does not contain any of the Colbert report at all.

Q None of the Colbert report? A No sir.

Q Never was before the Colbert Commission that you know of? A No sir.

By the Commission:

Q The committee appointed to examine the roll to which Mr. Murphy referred to, was that the committee known as the committee of 18?  
A I can't answer that because I don't know what committee--the council passed---they had a committee of eighteen that passed upon many questions but I don't know whether this census roll was submitted to them or not.  
Q Now I want to know if this is the roll that you have been referring to? A I can't say.

Examination by Mr. Murphy:

Q By what authority, Captain, was the book here I referred to made?  
A By my own authority; I ordered the book myself; I thought it would save perhaps a good deal of time to transcribe the rolls in a book.  
Q Wasn't by order of the principal chief or anybody else?  
A I think perhaps I suggested the matter to the principal chief and he approved it; that's my recollection.  
Q In making that book when you came to the principal towns the different towns when you found somebody in that book that was thought to be citizens of that town and the chief told you to enter them?  
A No sir.  
Q You don't know the names in that book? A No sir.  
Q Is there any writing in that book the handwriting of Miss Ida Cummings? A No sir.  
Q Did she have anything to do with the writing of that book?  
A Not under my direction, she didn't.

Examination by the Commission :

Q Could Edward Bullt write? A No sir.  
Q Could Isparhechar write? A Yes a little; his own name.  
Q Who signed Bullet's name to acts? A I did while I was acting under him and Luke McIntosh did after I quit the office.  
Q You signed his name? A Yes sir, while I was acting under him as private secretary I would sign his name; McIntosh did the same when he became private secretary.  
Q The signatures of Edward Bullet written by you to acts of the National Council were taken and accepted as being legal, were they?  
A Yes sir.

Examination by Mr. Murphy:

Q You say you are acquainted with the customs of the Creek Nation in 1890 and all the time since you have been here? A Yes sir.  
Q When a man was declared to be a citizen of the Creek Nation, what kind of a citizen was he? A Just declared.  
Q Declared in what way? A Just declared to be a citizen.  
Q By authority of the council? A Yes sir, Well, if the council declared him he was a citizen.  
Q He was just an adopted citizen, wasn't he? A Adoptions--my understanding is they never adopted anybody that was not an Indian

by blood; I don't remember a case where anyone was adopted in this Nation that was not a citizen by blood; the only question was as to the identity of the man by blood and then the council would pass on that.

Q Where a person was declared to be a full citizen of the Muskogee or Creek Nation subject to the Creek laws and having all the rights, privileges and immunities of the original members of the tribe, what character of a citizen would he be? A He would be a full citizen.

Q Would he be a citizen by blood or an adopted citizen? A Well, both

Q Both. Yes, that term of adoption would carry with it the rights of a citizen by blood; he would have all the rights and privileges of a full blood citizen.

Q If a man was adopted to be a citizen in that manner and he had a daughter ~~was~~ that was 27 years old, married and head of a family would an act declaring him--her father-- of that character, to be a citizen confer citizenship on her? Under the customs of the Nation?

A Yes, I believe that the town authorities have authority to enroll her.

Q I am speaking of an act of this kind. A I spoke of authority; the council declared him a citizen would confer upon the council the right to enroll his ~~sons~~ descendants.

Q Would it confer upon them the authority to enroll ~~any~~ a descendant that was born in Missouri, lived in Missouri until she was 27 years old and then came to the Creek Nation before he was adopted or before he was made a citizen? that came to the nation before he was made a citizen--before he was recognized as such? A In that case she would have to identify her Indian blood.

Q Then she would have to go before the council and make application also? A Yes sir she would have to be recognized by some authority her Indian blood.

Q How many Richard Atkins do you know of in the Creek Nation?

A I don't know but one; I never heard of but one.

Q What Richard Atkins do you refer to in your testimony? A The son I think of Tom Atkins; he claimed to be a son of Tom Atkins; I knew him well.

Q Part negro? A Tom Atkins?

Q No, Richard Atkins? A He looked as if he might have something else beside Indian blood; I don't know; he looked to have some other blood.

Examination by Mr. Thomas.

Q Suppose a party was born in the Indian Territory, having as a father a Creek Indian; that he moved out of the Nation into Missouri while there married; children were born to him; one of them reached the age of thirty years and was married to a non-citizen; the child was married-- a daughter; moved to the Indian Territory, lived here 3 or 4 years; then her father came to the Indian Territory; applied to the Creek Council for recognition as a Creek Indian by blood; the Creek Council recognized and enrolled him as a citizen, as a Creek Indian by blood; would his daughter have to go before the council to be recognized as a citizen or would she be recognized by the town chief of the town to which her father belonged? A I think the town authorities would have a right to enroll her as before the only question would be as to her town.



Q If they enrolled her and that roll was subsequently approved by the Creek council would there be anything necessary to make her and her children citizens of the Creek Nation? A Nothing else, sir.

Q It seems in looking at the book, page 102, Creek Law--Constitution and Laws of the Muskogee Nation of 1893--that the following persons (Section 294) are hereby declared full citizens of the Muskogee or Creek Nation, and "they shall be subject to the Creek Law, and so have all the rights, privileges and immunities of the original members of the tribe,"; then follows a list of names on page 102 and also on page 103 and then under date of October 21, 1890, is the name Richard Atkins.

Q Is that the Richard Atkins you have been referring to? A I think so; I don't know but one Richard Atkins; I suppose it is the same.

Q He is the man who claimed to be the son of Tom Atkins? A Yes sir.

Q Tom Atkins was a prominent citizen and captain of the light horse wasn't he? A Yes sir.

Q This man claimed to be his son? A Yes sir.

Q And established that fact to the satisfaction of the council?

A Yes sir.

Q And was admitted? A I think so.

Q Then was admitted as a citizen by blood? A Yes sir.

Q Do you know whether that Richard Atkins is living or dead?

A I don't know.

(It is admitted by the attorneys for applicant and the attorney for the Creek Nation that the Richard Atkins named in the act of the National Council heretofore made a part of the record in this case is dead.)

Statement by Captain Callahan, the witness:

I believe I stated it was sometime in December 1895; I believe I was mistaken; it might have been subsequently between that and the regular session in October.

Examination by Mr. Thomas.

Q Do you remember the names of the towns that are not recorded in this book because of the absence of the roll at the time the record was made? A I remember two of the towns, but I am not certain about the third; one is Broken Arrow and the other is Lochopako, and the third one I wouldn't be positive about; I think it was a small town.

Q You were asked as to whether Miss Ida Cummings did any of this writing; did she do work for you at any time? A Yes sir, but not on this particular work; she did some recording in the regular record book in the office.

Q Now I believe you stated Captain, that the rolls copied into this volume entitled the Census Roll 1896 was copied in the year 1897? A Yes sir.

Q Had the rolls from which this record was made been corrected and approved prior to being recorded in this book? A Yes sir.

Q I mean approved by the council of the Creek Nation? A Yes sir.

Witness excused and Cornelia Todd sworn as a witness, testified as follows:

Examination by the Commission:

Q What is your name? A Cornelia Todd.

Q You are of lawful age? A Yes sir.

Q What is your post office address? A Muskogee, Indian Territory.

Q Are you a citizen of the Creek Nation? A No sir.  
Q Were you employed in any capacity by the Creek Government or any of its officials about 1896? A I was employed to copy this by the chief's secretary--this book.

Examination by Mr. Thomas:

Q In whose employ were you at the time you speak of? A Captain Callahan's.  
Q Acting as clerk or amanuensis for him? A Yes sir.  
Q What official position did Captain Callahan hold at this time? A He was Secretary for the Chief.  
Q What was the name of the principal chief? A Isparhecher.  
Q ~~What was the~~ Did you while employed by Captain Callahan do any record work for him? A Copying.  
Q I will get you to look at this book, marked "Census Roll 1896 Creek Nation", and tell if you have ever seen that book before, and ~~if~~ if so, where? A Yes sir; in Checotah, Indian Territory was where I saw it.  
Q What was said to you concerning that book at the time it was brought to you? A They wanted me to copy.  
Q What was said to you about where it came from? How did it come into existence? A Captain Callahan said he had it made specially for the rolls to be copied into it.  
Q What rolls? A Rolls of the Creek Nation.  
Q I will get you to look at this book and see if you know anything about the handwriting or the work that was done? A Yes sir, I know it is my handwriting.  
Q Did you do that work? A Yes sir.  
Q I will get you to turn to page 48 of that book--pages 48, 49, 50, 51 and 52, and tell the Commission first what you find on page 48. The name of the town is Cheyarhar.  
Q What does that list of names belong there represent? A The names of Creek citizens.  
Q Belonging? A To the Creek ~~Nation~~ Roll.  
Q Belonging to Cheyarhar Town? A Yes sir.

Examination by Mr. Murphy:

Q You don't mean that's a list of citizens; a list that you copied?  
A Yes sir.

By Mr. Thomas.

Q From what did you copy this? A From a roll that had been made previous to this.  
Q What sort of a roll was it? I mean was it a written roll or type-written or print? A Part was typewritten; part was written with a pen.  
Q Were those rolls, especially to Cheyarhar town, were they approved rolls? A It is my understanding that they were.  
Q Approved how and by what authority or what body? A I suppose by the Creek Council; I don't know.

- Q State whether or not they were marked approved or in any way to indicate that they were authentic rolls? A They were marked O.K. on the back of each roll.
- Q Was this roll of Cheyarhar town as copied in this book delivered to you by any person to be recorded in this book? A Yes sir.
- Q By whom? A Captain Callahan.
- Q The secretary of the principal chief? A Yes sir.
- Q And in accordance with his instructions was that copy made? A Yes sir.
- Q Did you copy the names of all the citizens in this book? A Yes sir.
- Q I will get you to look at page 52-- do you see the name of Chaney Trent and her children, and is that it? A Yes sir.
- Q Did you copy that? A Yes sir.
- Q Or wrote them I mean? A Yes sir/
- Q Did you copy that from the roll which was delivered to you as the official roll of Cheyarhar town at the time? A Yes sir.
- Q Was every name written in this record here of Cheyarhar town copied by you into this book? A Yes sir.
- Q Were there any added to the roll by you or anyone else after it was delivered to you to be copied into this book? A No.
- Q Did you copy it just as it was delivered to you? A Yes sir.
- Q You didn't add any names? A No sir.
- Q What is your best recollection as to whether it was written with a pen, type-written --? A Most of it was typewritten.
- Q Can you tell whether these parties' names were of the type or written or print? A No, I can't tell that.
- Q I will get you to read the names, beginning with the number here of Chaney Trent. A 163, Chaney Trent.
- Q That's on page,,, A Fifty two. 164 . Frank Trent, 165 Willie Trent; 166 Mary Trent; 167 Ledrew Trent.
- Q You say these names were on the rolls from which you copied? A Yes sir.
- Q Can you remember whether there was any other notation of approval of the roll other than it was marked O.K.? A I knew there was a small paper attached to the book but I don't remember the words that was on that paper; as far as I know it was for that purpose.
- Q For the purpose of showing it was approved? A Yes sir, but I don't remember the words.
- Q Do you remember any single word or single letters? A No sir.
- Q Where was that O.K. you spoke of- on the back or front? A On the back of each roll.
- Q Why didn't you copy all the rolls of the Creek Nation at the time? A Couldn't be found.
- Q How many? A Three as I understand it.
- Q Do you recollect the names of the three that could not be found? A No sir.

Examination by Mr. Murphy:

- Q Of your own knowledge you don't know that these were the rolls of the Creek Nation that you copied--only by what someone told you? Captain Callahan? A That was all I had to go by and they was O.K.'d.
- Q Well, was there anything on them that said they was rolls of the Creek Nation or anything like that? A Yes I think there was.
- Q Now what do you remember about that? A It has been so long I don't remember what date it was now.
- Q Do you remember what date was at the top? A 1896 it seems to me
- Q Do you remember the year? A Yes. A No, I am not sure about that.

Q You had heard of a roll prepared by a committee; a census, had you not? A Yes sir.

Q The Committee of Eighteen? A I don't remember that particularly; I remember different ones.

Q The one that M.J. Smith was Chairman of and McIntosh was Secretary?

A No, I don't remember that.

Q Was the roll that you copied the one that had been corrected by the census committee? A I think it was.

Q Was there any roll there with them or did you hear them say anything about the roll that a lot of doubtful ones made up. A I don't remember about that.

Q Do you know of your own knowledge now without referring to that book whether Chaney Trent was on the Cheyarhar roll or not?

A No sir, I don't remember any of them.

Q You don't know of your own knowledge that these names that you copied are citizens of the Creek Nation? A Only by the, m being on the roll and I was told that was a roll of the Creek Nation and it was printed on there it seems to me it was "rolls of the Creek Nation."

Q Did it print there what kind of rolls? A Census rolls of the Creek Nation.

Q Are you positive that was there or is that what is on this book?

A I don't remember for sure.

Examination by Mr. Thomas:

Q Have you any interest int his proceeding one way or the other?

A No sir.

Witness excused, and Captain Callahan recalled :

By Mr. Thomas.

Q Captain, have you any interests directly or indirectly in this case? A No sir.

(Mr. Murphy says he admits that neither ~~xxxx~~one has.)

Q You have heard the testimony of Miss Toda with reference to the rolls of the different towns of the Creek Nation copied by her? I will ask you to state whether each of these rolls had been approved by the Creek council and each of them showed by a paper attached thereto that they were so approved? A Yes, sir, they were.

By the Commission:

Q Did that paper that was attached to these rolls show that the act of the national council was approved by the principal chief?

A My recollection is that ythey simply showed the action of the council-- approval by the council-- they come down to the executive office, I don't remember whether I signed Ispahachar's name to them or not; I remember they were marked approved by the officers of the two different houses and signed by the officers of the two different houses.

(There is in the possession of the Commission a printed list of persons, headed "Roll of Cheyaha town" which is a duplicate of the roll referred to by Anderson Childers in his affidavit executed September 27, 1902, and attached to his said testimony, with the exception that the entire list now referred to is printed including the names of the persons purporting to certify to the correctness of said roll. This list of persons bears no evidence of having been adopted by any act of the National Council of the Creek Nation, nor does it appear to have been approved by the principal chief, nor is there anything to indicate that it has been approved by any authority whatever, as heretofore stated, their names are printed, this roll bears no date.

Witness excused, and F.C.Hubbard, called and sworn as a witness:

By the Commission:

- Q What is your name? A F.C.Hubbard.  
Q What is your age? A Thirtyeight.  
Q What is your post office address? A Muskogee.

Examination by Mr . Murphy:

- Q What official position did you hold in the Indian Territory or in the Northern District of the Indian Territory in December, 1898?  
A I was chief deputy marshall of the Indian Territory.  
Q Do you know Ellis B? Childers? A Yes sir.  
Q Did he hold any official position? A Yes, he was treasurer of the Creek Nation.  
Q In your official capacity did you have any business with Ellis B. Childers about Christmas, 1898? A I don't know as to the exact date; the only official business I had with him was transferring him to the penitentiary.  
Q Was that about that time? A Yes sir.

Excused:

(Statement by Mr . Murphy: We want to introduce a certified copy of Judgment, Sentence and Order of Commitment and receipt upon certified copy in the back in the case of United States V. Ellis B. Childers.)

We want to introduce also a certified copy of an affidavit filed on behalf of Mary and Willie Chissoe in the matter of the allotment of Mary Chissoe, protesting against the approval of a deed to Guy Bowman.

A.P.McKellop, called and sworn as a witness, testified as follows:

Examination by the Commission.



- Q What is your name? A A.P. McKellop.
- Q How old are you? A Forty Five.
- Q What is your post office address? A Muskogee.
- Q Have you ever held any official position in the Creek Nation?
- A Yes sir.
- Q Are you a citizen of the Creek Nation? A Yes sir.
- Q State them please. A I have been Clerk of the House of Warriors since October 1882; still hold that position.
- Q Have you ever held any other positions? A Yes, Yes, I was District Inspector for several years; National Inspector and revenue collector for several years, and for a short time Judge of the Muskogee District Court; Delegate to Washington and Attorney.
- Q Were you in 1890 acquainted with the customs of the Creek Nation with reference to the admission of parents and their children to such citizenship? A Yes sir, as well as anyone can be who was a member of council.
- Q Where a man was admitted to citizenship in the Creek Nation and he had children who were grown and married and heads of families, the mother of said children being a non-citizen, did the admission of the father admit these children that were grown and married and heads of families, the children not named in the application? A No sir; it didn't make any difference whether the mother was a citizen or non-citizen; they were not admitted where they were of age.
- Q Suppose a man was 50 years old and he had a daughter 30 years of age, the head of a family, had children of her own, her mother a non-citizen; was it the custom of the Creek Nation to recognize that woman upon the admission of her father? A As a citizen?
- A Yes. A No sir.

Examination by Mr .Mur phy:

- Q I will have you examine that book, Mr. McKellop, and tell me what it is? A The minutes of the House of Warriors.
- Q Look on page 97 and tell what's there? Of what session?
- A That's the October session; October 21, 1890.
- Q Is that your writing? A Yes sir.
- Q You were clerk at that time? A Yes sir.
- Q I will ask you to read on this page. A This is the minutes I took down of the proceedings of the House of Warriors at that time.

Examination by the Commission:

- Q Is that the original memorandum of the minutes of the proceedings that were made? A This is the minutes that were taken down during the proceedings.
- Q That's the original? A Yes sir. The only minutes that was written there was no other but them. " A motion filed adopting Richard Atkins as a citizen from the House of Kings was read and concurred in. That's that bill of adoption as first passed in the House of Kings and concurred in in the House of Warriors.
- Q On what day was that? A October 21, 1890, the afternoon.
- Q Do you know what were the last authenticated rolls of the Creek Nation? A The 1895.
- Q Pay roll? A Yes; well it was made a pay roll; it was the payroll
- W It was the roll upon which the payment was made.

Examination by Mr. Murphy:

- Q You was clerk of the house at that time and have been ever since?  
A Yes sir.
- Q Was there any census roll ever introduced or passed by the house of warriors since that time? A No sir.
- Q I will have you to examine this book here marked Census Roll of 1896; state if you know what that book is. A I don't know who prepared that roll.
- Q Did you ever see that book in the house of warriors, or was it ever there? A No sir.
- Q Was a copy of it there that you ever saw? A No sir.
- Q I will have you to examine ~~that~~ this book and tell me what it is, Mr. McKellop. A This is a Census Roll of Cheyaha town as prepared by the members of Cheyaha town and reported to the council and referred to a committee and examined by that committee and reported to the council for adoption.
- Q Was that adopted by the council or by the House of Warriors?  
A Yes this was adopted by the House of Kings and concurred in by the House of Warriors. *Q And that was the last roll of the Creek Nation? A Yes that's only written as the House of Warriors*
- Q Is that T.J. Adams? A No sir, I wrote that on the way it is there; it was the custom to sign the names of both.
- Q Of both houses was that the custom? A Yes sir.
- Q Is it now? A Yes sir.
- Q How about the chief? A It is the same.
- Q Edward Bullet couldn't write? A No sir.
- Q Do you remember when the Committee of Eighteen was appointed and to examine and pass upon the census rolls? A Yes sir.
- Q Do you remember of them making report to the house in council?  
A Yes sir.
- Q Did the report a roll on which were contained the names of a number of people as doubtful? A Yes, some 600 names if I remember correctly.
- Q Will you examine this roll? A That is the roll that was prepared by the committee of Eighteen after passing upon the Census Rolls as prepared by the members of the several towns in the Nation and referred to the committee for examination.
- Q What does this roll contain? A It contains those that the Committee of Eighteen deemed to be non-citizens.
- Q Then when they were put upon the doubtful roll they were <sup>not</sup> considered to be citizens of the Creek Nation until when? A The list was afterwards referred to a Commission.
- Q Known as the Colbert? A This Creek Commission was called that from the president, Mr. Colbert, the head of that; the Commission had full authority to pass upon the citizenship.
- Q They they were not considered citizens until they established their rights before the Colbert Commission? A No sir, and they were refused payment until they established that citizenship.
- Q That was in the 1895 payment they were refused? A Yes sir.

Examination by Mr. Thomas:



Q You were the attorney for the Creek Nation in this matter; you filed an application and resisted the application of this claimant, Mr. McKellop? A Yes sir.

Q You say you know nothing about the rolls from which this record was made---what purports to be the census roll of 1896 from the office of the principal chief of the Creek Nation? A No sir, I don't

Q You don't pretend to say that they were not correct? A I said that they have never been adopted by the Creek Council as the correct census rolls of the Creek Nation or as the census rolls of the Creek Nation; that was bought--who wrote the names in that book I don't know.

Q But you say that the rolls as recorded in that book--not this book, but the rolls from which they were recorded in this book, were not the census rolls? A I can't say that they were not copied from the correct rolls; but this book was not of the Creek council.

Q But you can't say--A I can't say that they are not the same, because I have not compared this book with the rolls; but I know that this book was not adopted by the Creek Council.

Q Don't you know as a matter of fact that some of the towns were type-written and some written? A There were some copies made afterwards but the original roll was not in type-writing and a report accompanying each town.

Q That's the roll of 1895 you are speaking of? A Yes sir.

By the Commission:

Q Has there ever been a roll of Creek citizens made and adopted by the National council and approved by the principal chief or adopted by the National Council alone since the authenticated roll of 1895 upon which the 1895 payment was made? A No sir that was the last roll that was before the council and was adopted separately by the council, each town acted upon separately.

By Mr. Thomas:

Q I will read from what purports to be a the minutes book of the House of Kings, marked Book #1, 1895-1897; page 199. I read from the last paragraph on the page beginning: "A substitute for an act adopted by the H of K providing for the election of 5 commissioners whose duty it shall be to take charge of all census rolls submitted by town officers; the substitute as follows. Be it enacted by the National Council of the Muskogee Nation: That the town kings and warriors of the several towns be required to take a census of their several towns and ascertain the names of the new born among the citizens of their towns since Sept. 24th 1895 and they shall submit the census to the present citizenship Commission. They shall also take a census of the dead members of their towns who have died since the last census was taken and submit said roll to the citizenship Commission. The citizenship Commission shall examine said census rolls and satisfy themselves of the correctness of same and so correct all of the town rolls. The Commission shall submit the rolls of the several towns as corrected by erasure of non-citizens, and dead and addition of new born to the October session of Council for its approval. (Marked) Concurred in."

Q Do you remember anything about that? A I have an indefinite recollection.

Q Does your record show what was done on that date in the House of Warriors? A I should.

Q Will you kindly look at it? A What date was it?

Q The 10th of August, 1896. A This is only 1890-1891; I think 1896 is one year the minutes of which I have not in my possession; I was examined as a witness in the United States Court-- was subpoenaed in the fraudulent ~~xxxxx~~ warrant cases and was directed to bring the minutes showing the payments of the committee and I put the book in the clerk's office for safe keeping until I was called; and I haven't been able to find that book since; and this is the only book I have not in my possession from that time till now. This book was called for by Mr. Murphy the other day.

Q But the one book containing the record of what was done with this act is not in your possession? A One or two years is included in that book.

Q Have you made search to try to find it? A Yes sir; I went up there and tried; and Shelby and others; and I couldn't find it and he said he would try to find it.

Q What have you to say about that? A I am satisfied the record is correct; that such an act did pass the council; that the members prepared an omitted roll to be referred to the council for final adjudication. To the Commission.

Q But this provides that it shall be referred to the house.

A The Colbert Commission I think.

Q I will ask you if you can say from memory what was done with that bill that was concurred in? A The record shows and you say you think that's correct. Now was there a report made in October by that Commission? A I don't recall now whether there was a report made or not. This was referred to the Colbert Commission; this additional roll was to be made by the several members of the town kings and submitted to the Colbert- by the two houses, House of Kings and House of Warriors.

Q The payment was made before that, wasn't it? A They had paid up to that.

Q The last payment was made before the date of this act? A I don't think.

Q This was made in 1896 and the payment was made in 1895; that was made on the 10th day of August, 1896; that was after the payment was made, wasn't it? A Yes sir.

Q Then if the payment was made on the 1895 rolls and this act was made authorizing the census takers of the census of 1896, then it could not refer to the same roll, could it? A This does not refer to the roll that the payment was made on.

Q This is entirely a subsequent roll? A This is a supplemental roll.

Q Not a supplemental but a subsequent roll. A It is not the old census taken; there was an omitted roll made after, and Judge Moore was removed from office--that was Childers made the payment on the omitted roll. That was those that were admitted; this is a complete census roll, it says.

Q How did they do that? A Didn't, no sir.

Q You think they didn't? A I am satisfied they didn't.

Q Then what did you mean in a statement you made to the Secretary of the Interior that the roll of the Colbert Commission had been approved by the council? A The action of the Colbert Commission was not subject to the approval of the council; it was final.

Q Didn't you state in one of your communications to the Secretary in this case that the report of the Commission was approved by the council? A If I did make that statement I had record for it at that time; I can't remember now. The act creating the citizenship Commission does not require that Commission to report to the council.

Q But this act does require it; you say in this answer that the Committee of 18 approved May 15, 1895; this cannot be this act because this was the 10th August, 1896. A That committee of 18 was appointed and served its time out; it was simply a committee of the council members and was appointed prior to the creation of the Colbert Commission, and the action and findings of the committee of 18 were subsequently submitted to the Colbert Commission so far as the list of doubtful citizens was concerned as made by that committee.

Q Our contention is that these rolls that we have introduced were made in obedience to this act. A But these rolls were to be submitted to the Colbert Commission and that committee never acted upon it, never made any report on it; in fact that committee found itself in very bad repute and finally dissolved and the Colbert Commission was appointed; the fact is many resigned and others were appointed.

Q Then the question of the action of the Colbert Commission never was disposed of. A There is an act in here that prohibits them from taking up any new cases; but they never concluded their work.

Q Did they ever make any report as required by this act of council? A That was on that special census they were to make a report; they were not required in their general work to report to the council.

Q But it says they were required to submit it under an act of Council approved August 8; that act required them to report to the National council. A Not the general commission; yes sir, that act that you read applied to the special council.

Q Then you completed the work under that act? A Yes sir.

Q You say that they never made any report? A I am satisfied they didn't make any report on that.

Q Do you know whether any rolls were taken of the different towns by authority of the act referred to there? A There was an omitted roll made by the members of the council.

Q Wasn't there a complete roll furnished to the council by the King of each town? A No since the pay roll of 1896; I mean the king of each towns; the kings.

Q The Kings didn't furnish rolls? A No sir, not since the pay roll of 1895.

Examination by Mr. Murphy:

Q I will have you examine the book purporting to be the census roll of 1896, page 52, Cheyarhar Town, No. 163, containing the names of Chaney Trent down to 167, the last name being Bedrew Trent, and compare it with this doubtful roll--the last names on the first page, and see whether this is a correct roll of the citizens of the Creek Nation or not. A No, I wouldn't consider that either of them was an authenticated roll.

By the Commission:

Q What we want to know is--is this book that has been previously referred to as the Census roll of 1896 with regard to these names of Trents the same as compared to the same in the Doubtful Roll?  
A No sir.

By Mr. Murphy:

Q Did Ellis Childers ever come to you and examine any records that you had in connection with you that ever showed that Richard Atkins made application to the council for the admission of himself and his family as citizens of the Creek Nation? A No sir.  
Q Did you ever have in your possession or have you any record to show that Richard Atkins made application to the National Council for citizenship for himself and family? A No sir; the records shows that he alone made application for adoption; not for admission but for adoption.

By Mr. Thomas:

Q Well he was admitted as an Indian by blood. A He was adopted.  
Q But don't your own report that I had a minute ago show that Richard Atkins "be and is hereby declared a citizen of the Muskogee Nation by reason of Creek blood"? A I guess that's a correct copy of it.  
Q Didn't you furnish it in your answer as a correct copy?  
A I think so.  
Q Then he wouldn't be adopted under the terms of that; it would be a recognition of his citizenship by blood, wouldn't it?  
A Yes, he was declared a citizen by reason of Creek blood the act reads.  
Q That would be a recognition of his citizenship by reason of his Creek blood? A It would appear so.  
Q You know that's a fact, don't you, that it was a recognition of his citizenship by Creek blood? A Yes, it reads that way.

By Mr. Murphy:

Q When a man was declared to be a citizen of the Creek Nation, was that an adoption? A Inadvertently these acts of council were found in all ~~many~~ sorts of ways; the persons who drafted these acts were not well educated--were not lawyers and had not a lawyer & of the Creek Nation to advise them; they use these words "adopted" and "recognized" interchangeably where it was a recognition of their citizenship by blood and sometimes they would have adopted.

By Mr. Thomas:

Q But in this case they didn't do either, it was simply a declaration that he was a citizen of the Muskogee Nation by reason of his Creek blood. A That seems to be the reason.

By Mr. Murphy:

Q Would that act declare a daughter that was 27 years old--that came from Missouri - and head of a family, a citizen also?

A No, sir, the act of Council was against that.

By Mr. Thomas:

Q Suppose that a man was declared a citizen by blood didn't his children resident within the Creek Nation at the time become citizens by reason of his being declared a citizen by blood? A No sir.

Q Did it not? A No sir.

Q If they were of age, was that the reason? A Whether they were of age or minors.

Q Do you remember the case of the Morton family? A Yes, and I want to cite you to the case of the Escoe family. There was May Escoe and his eight children was adopted by the council; they had some 30 odd grandchildren; and the grandchildren were put on the doubtful roll as non-citizens because they were not mentioned in the act adopting May Escoe and her eight children; all of the grandchildren were minor.

Q And didn't the United States overturn that and declare them on?

A The United States Court did but the Nation Creek Council didn't.

Q And they stand on the Creek rolls today, don't they? A Yes, by decision of the United States Court.

Q And the decision of the court was that it included the children, wasn't it? A Yes sir.

Q Judge William M. Springer, judge of the United States Court in Indian Territory who passed upon these cases and admitted these children to citizenship because their parents had been admitted by the council? A I don't recollect the wording of the decision but that is the effect of it. I don't doubt they were called citizens because their parents were declared.

By Mr. Murphy:

Q In this Escoe case they were denied by the Creek Council, weren't they? A Yes sir.

Q Then when the Commission here commenced to pass on citizenship they applied here for citizenship, were denied and they were admitted on appeal, isn't that the way? A Yes sir.

Q Under the laws in force at that time? A Yes sir.

By Mr. Thomas:

Q Do you remember the Morton case--some of the Mortons are living out here at Okmulgee? A Not very well; I ~~don't~~ can't recollect it.

Q Do you remember the parents were admitted--the mother of the children living in Texas, come here and was admitted by the council and the children were afterwards enrolled by the two kings and the roll approved by the council that are now citizens of the Creek Nation, holding allotments in the Creek Nation? A I remember adopting of the Mortons but I don't remember more.



*By Mr. Murphy.*

Q Did you ever see that before--(indicating the printed roll of Cheyehar town heretofore referred to)? A No sir, I never saw it before.

Q Was that ever before the council that you know of? A No sir.

Witness excused and J.S.Lynch called and sworn as a witness:

Examination by the Commission:

Q What is your name? A J.S.Lynch.

Q How old are you? A Forty five.

Q What is your post office address? A Muskogee.

Q Are you a citizen of the Creek Nation? A Yes sir.

Q How long have you lived in the Creek Nation? A All my life.

Q Have you ever held any official positions in the Creek Nation?

A No sir; I was clerk of the House of Kings at one time.

Q When were you Clerk of the House of Kings? A I think in 1896; may be in 1895 and 1896

Q Were you clerk of the House on King on November 10, 1896?

A Yes, I think I was.

Q I will get you to examine the book which I hand you and get you to state if this is in your writing? A No sir, that's not my writing.

Q Whose is it, do ~~you~~ know? A That's O.M.Morton.

Q Was he an employe of the House of Kings at that time? A I don't remember how he came.

Q I will get to state whether you know whether or not this is the original minutes, of the House of Kings? A Yes, I think it is.

Q I saw portion of that writing in that book in your hand writing?

A Yes sir.

Q Was that writing ~~in~~ done in your capacity as Clerk of the House of King? A Yes sir.

The record referred to is now in the possession of the Commission and was obtained from the executive office of the Creek Nation and purports to be the original minutes of the proceedings of the House of Kings. In the proceedings of November 10, 1896, at page 309, of said record the following appears: "On motion communication ~~from~~ form Ex. Office advising the council to authenticate census rolls was read and Ref'd to H of W. On motion Res. to adjourn ~~at~~ at 9:30 P.M. of 10th inst. amended so as to add adjourn at 5 & Reconvene at (?) amendment concurred in.

On motion House adjourned to meet at 7 P.M.

7 P.M.

House met pursuant to adjournment."

Said minutes of the proceedings has been carefully examined and the same above shows the House of Kings adjourned on said 10th day of November, 1896, without taking further action with reference to the communication from the executive office referred to in the minutes of the proceedings.

Q Were you in 1890 acquainted with the customs of the Creek Nation with reference to the admission of parents and their children to citizenship in the Creek Nation? A No, I didn't pay very much attention to those things at that time.

Q Do you know whether or not there has been a roll of Creek citizens prepared, adopted by the National council and approved by the principal chief of the Creek Nation since the authenticated roll of 1895 upon which the 1895 payment was made? A No sir, I don't think there has.

Q Do you know whether or not any roll of citizens of the Creek Nation has been adopted by the National council and approved by the

principal chief since the roll of 1895 upon which the payment was made? A No I don't think there has.

Examination by Mr. Murphy:

Q You was clerk of the Colbert Commission, wasn't you, Mr. Lynch?

A Yes, part of the time.

Q Examine this book before your purporting to be the census roll of the Creek Nation in 1896, and state whether or not that is the report of the Colbert Commission? A No sir; the Colbert Commission never had anything to do with that book at all; not while I was clerk of it.

Q Examine this book that I hand you and state what it is?

A That's what is known as the doubtful roll.

Q Whose hand-writing is it in? A Mine.

Q What kind of citizens were they after they was placed on that roll? A Doubtful citizens.

Q Were they considered as citizens of the Creek Nation? A They were not considered as citizens of the Creek Nation? A They were ~~xxxxxxxxxxxx~~

Q What were they required to do? A They were required to go before the Colbert Commission and establish their citizenship.

Statement by Mr. Murphy: The Creek Nation has nothing for her to offer.

Statement by Mr. Thomas: The attorneys for the applicants have nothing to offer.

Henry G. Hains being sworn on his oath states that as stenographer to the Commission to the Five Civilized Tribes he reported the above proceedings on October 1 and 2, 1903, and that the above and foregoing is a full, true and correct transcript of his stenographic notes in same.

(Signed) Henry G. Hains.

Subscribed and sworn to before me this 22 day of October, 1903.

(Signed) Charles W. Sawyer,

Notary Public.

Lona Merrick, being duly sworn, on her oath, states that the above and foregoing is a true and correct copy of the original proceedings had in said cause on said date.

*Lona Merrick*

Subscribed and sworn to before me this 12th day of May, 1905.

*Edw. J. [Signature]*

Notary Public.



DEPARTMENT OF THE INTERIOR,  
COMMISSION TO THE FIVE CIVILIZED TRIBES.  
MUSKOGEE, I.T. DEC. 28, 1903.

In the matter of the application for the enrollment of  
Chaney Trent, et al., as citizens of the Creek Nation.

Appearances: Harry G. Davis                     )  
                  Thomas & Harrison,        ) Attorneys for applicants.

A.P. Murphy, attorney for Creek Nation.

P. Porter being called as witness in this case and duly sworn,  
testified as follows:

Examination by the Commission:

- Q What is your name? A P. Porter.  
Q What is your age? A Sixty three.  
Q What is your post office address? A Muskogee.  
Q You are the present principal chief of the Creek Nation? A Yes sir.  
Q Are you acquainted with the laws and customs of the Creek Nation  
of 1890 in matters of citizenship? A Yes in a general way.  
Q How long have you been connected with the Creek Nation in an offi-  
cial position, General? A About 30 years I guess ; 31 or 32 I am  
not sure.  
Q If a man was declared to be a citizen of the Creek Nation by  
reason of Creek blood in 1890, would the fact of his having been  
so declared a citizen of the Creek Nation confer citizenship upon a  
daughter of his--? A No.  
Q Who was married and head of a family, and her name not being  
included in the application with her father's ? A I don't think  
so; it would not be.  
Q Suppose a woman 25 years of age who was married and had children  
moved to the Creek Nation with her children a few years prior to  
1890 and a few years after she removed to the Creek Nation her  
father came to the Creek Nation and made application to the Creek  
National Council for citizenship, the Creek council taking action  
in the matter declared him to be a citizen of the Creek Nation by  
reason of Creek blood; now, was the fact of his having been so declared  
a citizen of the Creek Nation would that fact confer citizenship  
upon that married daughter? A No.  
Q Or would she have to make a separate application for admission?  
A Each case would have to be settled upon by the council itself;  
application made separately.  
Q You mean she would have to make an application herself? A Yes.  
Q Now this is in a case, General, where the woman had never before,  
so far as the evidence shows, been a resident of the Creek Nation;  
she was married and came to the Creek Nation from Missouri.  
Q It wouldn't confer any citizenship upon her; you have seen the  
Alien Law, haven't you?  
A Yes. That would control it.  
Q Would the fact of this man alone being declared a citizen of the  
Creek Nation confer citizenship upon his grandchildren? A No sir.  
Q The parents of whom were not included in the application and were  
not declared to be citizens of the Creek Nation in the act or any  
subsequent act of the Creek council? A No sir, it would not.  
Q Are you familiar with the facts leading up to the creation of the  
committee of eighteen and the work done by that committee? A It was  
committee of the council.

Q This committee of eighteen? A Yes sir.

Q They were created by the Creek Council? A Yes sir, it was committee of the council ~~by the~~ that reviewed the roll. Yes sir, that is it.

Q That's the one referred to- that committee reported something over 13000 persons as being enrolled and reported a certain number doubtful; the language of that committee reporting to the council on those doubtful, was: "The number enrolled which were stricken from the rolls by the committee as doubtful was 619 persons". Now, when the name of a person so stricken from the roll by that committee was placed upon the doubtful roll, did he have any of the rights belonging to Creek citizens? A The committee said that he didn't have any right.

Q In case, General, of a person whose name appears on this roll and at no time subsequent thereto he made application to any authority to endeavor to establish his right, would it be considered then that he had any right? A He had none whatever.

Q Unless he went before the Colbert Commission and established it or some other authority-- A There was quite a number placed on the rolls that didn't belong to the Creek Nation and this commission can call all that they knew; they then questioned that some of these might have rights and they required them then under some law or resolution passed by the council to appear before the Colbert Commission to have their cases examined; and those that never went there, they took it for granted they didn't have any at all; they didn't have any before and if they never went they didn't have any.

Examination by Mr. Davis:

Q General, suppose a man came in to the Creek Nation and made application for citizenship thereof before that Alien Law was passed; was it necessary for his children to make application in order to be made citizens? A All that did ever make applications that I know of would furnish a list of their families.

Q All that I want to know is a knowledge of the custom of the Creek Nation at that time; not any particular case? A Some of their relatives or some that knew them would report them to the council and if the council acknowledge them they would become citizens.

Q What would be done with them then? A They were put on the rolls.

Q When was that Alien Law passed? A I don't remember; quite a while back though.

Q Then you mean to state that it wasn't necessary for a child to make a separate application? A No, I don't mean anything of that kind. I don't think there was a case as far as my memory goes but what the person making application made application for themselves and their family and when they were admitted they and their families were placed on the roll or whatever they belonged to and it was admitted.

Q Well, suppose a man comes to the Creek Nation before that Alien Law was passed and makes application for himself and his family to become citizens of the Creek Nation; that action was acted upon and he and his family were enrolled as Creek citizens; are they not regular citizens of the Creek Nation? A If it is favorably acted upon.

Q Well, suppose it was favorably acted upon. A Yes; but the fact of making application does not give them citizenship.

Q Suppose a man who came to the Creek Nation and was admitted to citizenship by reason of his Creek blood- not by reason of adoption but by reason of his Creek blood; was placed, together with his family, on the roll of a colored town; would that committee of eighteen or any other committee have a right to list those people as doubtful found on a colored town roll? A Can't answer that question.

Statement by Mr. Murphy:

The Creek Nation objects to the question for the reason that the law itself shows the authority of the Committee of Eighteen.

By Mr. Davis:

As the Commission stated at the beginning, this examination was conducted and confined to the customs and laws and usages of the Creek Nation solely, as I understand it, and for that reason, think the question is proper.

By Mr. Murphy:

The Creek Nation contends that the law is the best evidence for the direction of the Commission.

WITNESS.

A To acknowledge as citizens on account of blood, no act of the council ~~would~~ thereof ~~change~~ would change it; no act of the authorities of the Creek Nation can change it; their own acts might, by abandoning the country, by living out of it, by being out at the time the rolls governing citizenship were made--or the laws of Congress/

BY Mr. Davis.

Q Suppose a man who was admitted to citizenship in the Creek Nation by reason of Creek blood was through mistake placed on the roll of some colored town, didn't that committee have the right to list that party as a doubtful citizen of that colored town? A I don't think it would, unless instructions directed him to---authorized him to.

Q General, suppose a man was admitted to citizenship in the Creek Nation by reason of his Creek blood, that man having come to the Creek Nation prior to the time that this Alien Law was passed, isn't it a fact that the town authorities had the right to enroll the children of that party whether they be married or not? A That has been done along ago.

Q Wasn't that the custom at that time? A The custom was to admit any person that they knew of Indian blood because they were continually coming from the old Creek Nation here; that held up to quite a while, well- up to the war when they come and established the fact that their kinfolks were here; in some of the instances I think since the war they made laws governing that, governed by the law altogether.

Q What ~~law~~ do you mean? A You call it the Confederate War I think or the War of the Rebellion--well, then the Civil War.

Q When did that cease to be a custom? A The moment they began to make laws governing the admission of citizens.

Q When did that cease; can you specify the year? A No; the first departure from that custom you will find-- a few years after judges were appointed to pass upon the question and determine whether they were citizens by blood.

Examination by the Commission:

Q General, what is the last authenticated roll of the Creek Nation?

A The one the last payment was made the Creek s on.

Q Well, wasn't there after that time a census ~~roll~~ of the Creek Nation taken? A Yes, I think there was.

Q Do you know whether or not that was ever authenticated?

A Not to my knowledge.

Q Whether that roll was ever considered by the Creek council?

A I don't know; I wasn't a member of the Creek Council then /

Q That census roll is commonly known as the 1896 roll, isn't it?

A Yes; the payment roll you mean.

Q No; the census roll? A Yes, I think they call it the 1896 roll.

Q You have a copy of a partial copy of that, haven't you in your office? A Yes ~~roll~~ of all but three towns.

Q Has that roll ever been approved by the Creek council? A No sir, it is incomplete.

Q Was any part of it ever passed upon by the Creek council?

A Not that I know of.

Examination by Mr. Murphy;

Q General if a nigger was to come here from Missouri and was declared to be a citizen by blood of the Creek Nation, the Commission of Eighteen would have a right to pass upon that by reason of that being a mistake? A Certainly.

Q As I understand you that Committee of Eighteen was a Committee appointed by the council to pass upon the Creek rolls and to make a roll of citizens and of the non-citizens? A To make a roll of the citizens, and to eliminate persons that were placed on rolls without being citizens.

Q Then they named those 619 persons and those were non-citizen?

A Yes.

Q There was two way of obtaining citizenship in the Creek Nation, wasn't there, by being admitted and adopted? A Yes sir.

Q As a citizen by blood, or admitted by the council? A Yes.

Q Now, if a person was declared to be a citizen of the Creek Nation that was adoption, wasn't it? A Yes; recognition that he was always a citizen.

Q Then, if at the time he was declared or adopted as being a citizen if he had a daughter 25 years of age that came from Missouri and had a family of children, that wouldn't be a recognition of her and her children, would it? A No sir.

Examination by Mr. Davis:

Q Suppose a negro, or a man who appears to be a negro, should come to the Creek Nation from the State of Missouri and should prove that he was the son of a full blood Creek Indian, would he be an adopted citizen or would he be a recognized citizen? A The blood went by the mother's side, and he wouldn't be a citizen by blood.

Q Suppose the mother wasn't a citizen and he traced the relation to the father as the only Indian ancestor that he had by reason of his being the son of an Indian--the council makes him a citizen, would he

be by adoption or by blood? A He would be by adoption, no matter what the case was.

Q Do you mean to say that such a party would be an adopted citizen no matter what proof was established? A I told you a while ago that the custom was to trace their Indian blood by the mother-- and if you trace by the father it wouldn't be a citizen by blood but an adoption; if he was, it would be a violation of the custom unless there was some law that admitted him.

Q Are you acquainted with the customs in regard to such a case? A I think so.

Q What was the custom, General? A I just stated it; that that of Indians was traced by the mother's side; Indians by blood were determined whether his mother was Indian ancestry. If Richard Atkins in his case or any other case, if the act admitting him admitted him on that ground it would change the custom in that case, but that was the custom always-- I don't know the case of Richard Atkins.

Q Suppose that the act admitted a man--suppose that he was admitted by reason of Creek blood--(Mr. Murphy interrupts: "I would like to ask the counsel for the applicants what they mean by "admitted" when they mean 'declared'; when the law reads 'declared'").

Q --Then suppose that the act admitting a man to citizenship in the Creek Nation should read "Richard Atkins is hereby declared to be a citizen by reason of Creek blood"; what effect would that have on the children as to their citizenship? A I don't think that it would have any direct effect: if it said Richard Atkins and his children it would include them. There have been persons recognized as citizens where the children were never spoken of and never came here.

Q Suppose a man was declared to be a citizen of the Creek Nation by reason of Creek blood, would that in any way modify the custom you mentioned a good while ago? A I think I have stated that it would; seems to me like it would.

Examination by Mr. Murphy:

Q General, if a man was declared to be a citizen of the Creek Nation and placed on the Arkansas Colored town roll, what would that indicate as to his citizenship, that he was adopted or admitted? A It would indicate that he was colored citizen.

Q It would indicate an adoption, then, would it? A I think so.

Q Did the town kings ever have any authority to transfer a person from one town roll to another? A Yes, frequently it was done.

Q Were those rolls after to be authenticated then by the council? A No.

Q After it was done? A No.

Examination by Mr. Davis.

Q You stated if a man was declared to be a citizen of the Creek Nation and placed on the Arkansas colored roll that it would indicate that he was a colored citizen, an adopted citizen? A Yes.

Q You don't mean to say that would be proof? A No, only just indication; you see the negroes were adopted was the reason we said it; we didn't have any negro citizens; we had some that had negro blood but they were called Indians those that had Indian blood. Now, the colored towns were made up of people that were adopted by the treaty of '66 and thereafter, that is negro; there was none of them that could get into an Indian town that were negroes.



Q There might have been instances in the Creek Nation where an Indian citizen was placed on a colored roll, might there not?

A I don't know of any.

Q Well, there might have been? A Yes, everything possible.

Examination by Mr. Murphy:

Q In 1890, did the Creeks have any lawyer or anybody to draw their acts? A No sir.

Q How were they as to education at that time?

Mr. Harrison objects that the question is not responsive to any of the examination in chief; incompetent, irrelevant and immaterial.

A I think they are about as they are now; I don't think they have changed any at all.

Q Very crude? A Yes sir, no education.

Q They were mostly written by themselves? A Yes sir.

Examination by Mr. Harrison:

Q It is a fact that you have a National attorney now? A Yes.

Q That your acts are submitted to him? A Some of them, not all.

Q Then, if that is true the conditions are not now as they were then?

A So far as making law it is.

Q I believe you stated that the custom inquired about Mr. Murphy was about the same now as it was then; that was the reason for my question. A A I expect we are in better fix now than we were then; at that time the Indians made their own laws.

Examination by Mr. Davis:

Q Isn't it possible that the census roll of 1896 could have been acted upon by the Creek council without your knowledge?

A Yes.

Examination by Mr. Murphy:

Q There would have been a record of it, wouldn't there, General?

A It it was authenticated by the Creek Nation, there would have been a record of it? A Yes.

Examination by the Commission:

Q What effect, General, would the word "declared" as used in the act that we have referred to; what would be the meaning of that word as used there; would it have any specific meaning? A-----

Q The greater number of the acts said admitted or adopted or recognized? A Yes; recognized by blood is the word usually used; that's the word usually used; the word declared is an unusual word for determining a citizen by blood; that the reason why I said a while ago I thought it was adopted. My opinion was that it was a recognition that he was a citizen by adoption if they said declared; recognized is the usual word used where it is by blood.

Q But if he was declared to be a citizen that meant that he was adopted in your opinion? A Yes/

Henry G. Hains, being duly sworn on his oath states that as stenographer to the Commission to the Five Civilized Tribes he reported the above proceedings on December 28, 1903, and that this is a full, true and correct transcript of his stenographical notes in same.

(Signed) Henry G. Hains.

Subscribed and sworn to before me this 29th day of December, 1903.

(SEAL)

(Signed) Edward Merrick,

Notary Public.

Lona Merrick, being duly sworn, states that the above and foregoing is a true and correct copy of the original proceedings had in said cause on said date.

*Lona Merrick*

Subscribed and sworn to before me this 12th day of May, 1905.

*Edmund C. [illegible]*  
Notary Public



In the matter of the application for the enrollment of Mary E. Wilson, et al., as citizens of the Creek Nation.

The reporting of this testimony was taken up at this point by D. G. Shaggs.

H. B. CHILDERS, being duly sworn, testified as follows:

BY COMMISSION:

- Q What is your name? A H. B. Childers.  
Q How old are you? A Forty.  
Q What is your post office address? A Wagoner.  
Q You have testified in this case before? A Yes, sir, I have testified about this family.  
Q Do you mean that you testified in the Chaney Trent case? A Yes, sir.  
Q Do you know Mary E. Wilson? A Yes, sir.  
Q Was her name in that case? A Her name was mentioned.  
Q You don't know whether application was made for her enrollment? A No, sir.  
Q Are you a citizen of the Creek Nation? A Yes, sir.  
Q Do you live in the Creek Nation? A Yes, sir.  
Q How long have you lived here? A All my life, except when I was out to school.  
Q When did you first come to know Mary E. Wilson? A Well I do not know what date it was.  
Q About when was it? A It was after Dick Atkins had moved his family down her. Mary E. Wilson came later than his first children.  
Q How much later? A Two or three years.  
Q You have known her from that time, two or three years after her father, Dick Atkins, came, up to the present day? A Yes, sir.  
Q Are you a full blood Creek Indian? A About 3/4.  
Q Have you ever held any official position in the Creek Nation? A Yes, sir, I have been a member of the Council for eight years.  
Q What House? A House of Warriors.  
Q What other official position have you held? A I have been District Attorney, Treasurer of the Creek Nation and Captain of the Light Horse.  
Q You testified about all of this in the Chaney Trent case did you? A Yes, sir.

By Mr. Davis:

- Q Do you know the father of Mary Wilson? A I didn't know him during his lifetime.  
Q He is dead is he? A Yes, sir.  
Q Do you know the brothers and sisters of Mary Wilson? A I do.  
Q Mrs Geneva Atkins Winn and Nancy Taborn sisters of Mary? A Yes, sir.  
Q Nancy Taborn was an Atkins before she was married was she? A Yes, sir.  
Q These ~~children~~ are all children of Richard Atkins are they? A Yes, sir.  
Q Did he have any more children besides these three? A We did have quite a lot of them--twelve or thirteen.  
Q Do you know of your own personal knowledge whether any of them the other children are enrolled as Creek Citizens and now have their allotments? A Yes, sir.  
Q Were you a member of the Creek council in 1890? A Yes, sir.  
Q Were you present at the time Richard Atkins, the father of these children, made application for himself as a Creek Citizen? A Yes, sir.  
Q Did he apply at that time for admission as a citizen by blood or by adoption? A I can't testify as to the application.  
Q Was he admitted? A Yes, sir.  
Q Was he admitted by reason of blood or of adoption? A He was recognized by reason of his Indian blood.

By Commission:

Upon request of the attorney for the applicants it is ordered that the testimony of witnesses in the Chaney Trent case in regard to customs and usages of the Creek Nation be made part of the record in this case.

By Mr. Davis:

Q You testified as a witness in the Chaney Trent case did you not?  
A Yes, sir.

Q I would like for you to state what you know about any action that was taken by the Creek Council in the year 1895 or 1896 with reference to have a census roll made of the various towns of the Creek Nation?

A During the Council of 1895 they made a roll preparatory to the payment of \$14.40 and finally made the payment-----is all I know.

Q Was there not, after this \$14.00 Payment another roll made of various towns? A There were two rolls made: one known as a supplemental roll, a roll of persons who should have been on the roll.

By Commission:

Q Is that what you call the 1895 Omitted Roll? A Yes, sir.

Q And a payment was made to those who were omitted on the regular 1895 Roll? A Yes, sir.

By Mr. Davis:

Q Do you know whether or not there was after that time made a roll, approved by the Creek National Council, of the citizens of the Creek Nation? A Yes, sir. I would not be positive but I believe it was during the Council of 1896. The Colbert Commission reported to the Creek Council, showing just how much work they had done and all those names that they had passed on as citizens, those that had made applications were referred to them by the Creek Council that they yet had not finished and asked the Council to be discharged as a Commission, which the Council accepted. Then they appointed a Committee to take this matter up and complete the work. They made a roll of each town complete and submitted their report to the Creek Council. The Creek Council ratified the actions of the Committee and the rolls as made by this Committee copied into a book.

Q Who was chairman of the Committee that made this roll? A I do not know the chairman, but one member of the Committee was Lumber Scott.

By Commission:

Q Was Colbert chairman of that Committee? A He was chairman of the Colbert Commission but this Committee was made up of members of each house.

Q Was that the Committee of Eighteen? A No, sir.

Q Was Colbert chairman of the Commission that had this 1896 Roll in charge? A Yes, sir.

By Mr. Davis:

Q Did you say that roll was copied in a book? A Yes, sir.

Q Have you seen at any time and identified that book? A I seen it in the executive office.

Q Is that the same book that you identified in the Chaney Trent case?  
A Yes, sir.

Q Do you know who was the chairman of the Committee who made that last 1896 Roll--not the Payroll? A They didn't make it they just finished the unfinished work of the Colbert Commission. They never disturbed what they had already finished.

By Commission:

Q And you don't know who was chairman of that Committee? A No, sir.

Q Do you know whether or not Colbert was chairman? A He could not have been because he was not a member of the Creek Council.

By Mr. Davis:

Q I will ask you to examine the book I hand you and state what it purports to be? A This book purports to be the rolls of the Creek Nation made in 1896.

BY COMMISSION:

The attorney hands witness a large leather and canvas bound volume on the back of the outside cover of which appears the words: "Census Roll 1896 Creek Nation."

The Roll does not bear any certificate showing that it was authorized or authenticated by any one. It is a written list of names divided into groups called towns. Said groups bear the names of various towns of the Creek Nation.

By Mr. Davis:

Q I will ask you to state whether or not this is the identical book to which you referred a few minutes ago in your testimony that "the names were copied in a book?" A It is to the best of my knowledge.

Q I will ask you to state if it is the book to which reference was made in the Chaney Trent case and about which you testified? A It is.

Q I will ask you to turn to page 48 of that book. At the top of the page state what town is there? A Cheyenne Town.

Q Commence at the top of the page and read the first two lines? A Census Roll of 1896, Cheyenne Town.

Q I wish you would turn to page 52 and in the list there find No. 146. State whose name is found there? A Richard Atkins.

Q Will you kindly read the following names down to No. 167, inclusive? A Richard Atkins, William Atkins, Mary Atkins, Margarette Atkins, Geneva Atkins, Henry Atkins, Nancy Atkins, Alex Atkins, Nathaniel Atkins, Annie Atkins, Thomas Atkins, Lola Atkins, Bertie Atkins and Susie Taborn, Chaney Trent, Frank Trent, Willie Trent, Mary Trent and Andrew Trent.

Q From those names do you identify those parties as members of the Atkins family? A I do. Chaney Trent is the mother of those other four children and she is Dick Atkins' daughter and Nancy Atkins is the mother of Susie Taborn.

Statement by counsel for applicants:

I desire to call special attention of the Commission to the testimony of S. B. Callahan and Cornelia Todd in the Chaney Trent case in support of the identification of the book just introduced as containing an authentic list of the citizens of the Creek Nation.

By Commission:

Q Are you familiar with the customs of the Creek Nation in regard to enrolling the members of different towns? A Yes, sir.

Q If a person who was not a citizen of the Creek Nation should go to a town king and ask that Town King to put his name on the roll and the Town King would do as he was requested would that action of the Town King make the person a citizen of the Creek Nation? A No, sir.

Q Suppose that a person being a non-citizen went to a Town King and lied to him and told him he was a citizen of the Creek Nation, that his name appeared upon the roll of another town and that he wanted to change his town and the Town King would put him on his roll, would that make the person a citizen of the Creek Nation? A No, sir.

Q If the Town King would put him on the Roll he would be on the Roll without authority of law would he? A Yes, sir.

Q Would the Town King have authority to put on the roll any person outside of those who were admitted by the Council or sent by the Courts of the Nation? A The Town King could not put any person on the roll of his town only upon a certificate from a Town King of some

another town showing that he was a citizen of that town and he himself should know that such person is a citizen before he has a right to put him on his roll.

Q If a non-citizen went to a Town King who was a corrupt man and agreed with him to pay him or otherwise make it worth his while to give him a certificate that he was on his roll and the Town King would give him a certificate that he was on his roll and then this non-citizen carried that certificate to a King of another town and showed it to him and he would put him on his roll would that make this person a citizen of the Creek Nation? A No, sir.

Q It would not? A No, sir, if he was not a citizen before it would not make him a citizen.

Q Were you a member of the Council at the time the Committee of Eighteen was appointed? A Yes, sir, at both times.

Q I mean the Committee of 1885? A Yes, sir.

Q Do you remember when the Committee of Eighteen made its report to the Council? A Yes, sir.

On page 50 of Acts and Resolutions of the Muskogee Nation of 1899 and 1900, inclusive, appears the following:  
Census--Committee Report on.

Q Do you remember that report? A Yes, sir.

Q What list of 519 names is what is known as the doubtful Roll is it not? A Yes, sir.

Q That report was approved by the Council on the eighth of June, 1895? A Yes, sir.

Q Starting right there, the eighth of June, 1895, say five minutes after that report was adopted, before any action was taken. Were they citizens of the Creek Nation immediately after the report was adopted and before any immediate action was taken? A They could not be in full--it would not make them citizens or would not make them not citizens.

Q Suppose they never applied to the Colbert Commission or any other Commission to have their names again put on the Rolls would they be citizens of the Creek Nation? A They couldn't be by reason of default.

Q Suppose that the day after this report was adopted a person whose name had been on the Arkansaw Town Roll but who was put on this Doubtful Roll by the Committee should go to the King of another town and ask to be transferred to that town would he have a right to be transferred? A He couldn't be transferred because he was not on the Roll.

By Mr. Davis:

Q Suppose a man had first obtained a certificate of transfer from a Town King of a Town to which he belong and present that petition to a Town King of a Town to which he desired to be transferred, would not the Town King of the latter Town be authorized under the Creek Law to enroll that man? A Yes, sir.

Q Suppose a man should be recognized as a citizen of the Creek Nation by reason of Creek blood, never-the-less that man should be enrolled either by mistake or otherwise on the Roll of a Freedman Town. Was it not the duty of that Committee of Eighteen or the Colbert Commission, to place that man as a doubtful citizen of the Creek Nation? A That mistake could not make it their duty.

Q Suppose the Committee knew nothing about the act recognizing that man as a citizen yet they found his name on this Roll of a Freedman Town, an ancestor appearing in that town. Would it not be the duty of that Committee to put that member on the Roll of Doubtful citizens of that Town? A Yes, sir.



Q Suppose a man should be recognized as a citizen of the Creek Nation by reason of Creek blood was it proper to place him on a Freedman Roll or an Indian Roll? A He could be placed on any Roll he wished.

Q Which was the proper one? A He should be placed on the Indian Roll certainly.

Q Do you know of your own personal knowledge any Richard Atkins made application for the transfer of himself and his family from the Freedman Roll to Gayarra Town? A He proved himself to be a citizen by blood and that he lived in our section of the country and he wanted to belong to our town.

Q Were any of the names on that Doubtful Roll ever after placed on the Roll of citizens? A Yes, sir.

Q Suppose a man was recognized as a citizen by blood of the Creek Nation. What was the rule with reference to the Town to which he should be a member? A If it is an application he proves that he is a member of a certain town then it is his duty to be enrolled in that town.

By Commission:

Q Mr. Davis asked you a question something on this order. That if the Committee of Eighteen should find the name of a person enrolled in a Colored town and should not know anything about the act admitting that person or that person's parents and should find no ancestor of theirs would it not be the duty of the Committee to place him on a Doubtful list, and you answered "yes, sir, it would? As a matter of fact, however, was it not the duty of the Committee, when they found a person on the Roll like that, to investigate and find out how he got on there? A No, sir, that is the reason so many names got on the doubtful list, they had no such authority.

On page 41 of the Acts and Resolutions of the National Council of the Creek Nation above referred to, appears the following:

Q Is that not the act appointing the Committee of Eighteen that made the Doubtful Roll and telling them what to do? A Yes, sir, that is the act. There was a Committee reported on that act stating that they had no right, under the constitution, to sit as a court.

The book above referred to is examined and the only report of said committee of Eighteen is the report adopted by the Creek Council, June 8, 1895, above referred to.

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I, D. C. Skaggs, on oath state that the above and foregoing is a full and true transcript of the testimony reported by me in the above cause on the 14 day of February, 1906.

Subscribed and sworn to before me this 8 day of April 1906.

*D. C. Skaggs*  
*Charles S. Skaggs*  
Notary Public.

DEPARTMENT OF THE INTERIOR,  
COMMISSION TO THE FIVE CIVILIZED TRIBES.

En. 78.

In the matter of the application for the enrollment of Chaney Trent, et al., as citizens of the Creek Nation.

SUPPLEMENTAL STATEMENT.

On page 39 of the records of the Creek Citizenship Commission, under the act approved May 30, 1895, the following entry appears:

"We, the Citizenship Committee of the Muskogee Nation, having fully considered and weighed the evidence in the case of Mary E. Bowen in her application for citizenship in the Muskogee Nation, are of the opinion that the said Mary E. Bowen is not a citizen of the Muskogee because the evidence in her case shows that she has no Creek Indian blood in her veins. The evidence shows further that she was not a member of Jim Gentry's family, but was living with her husband in the State of Mississippi at the time her father and his family were adopted into the Creek Nation.

James Colbert  
Pres. Commission.

J.H.Lynch  
Clk."

It is ordered that the foregoing be made a part of the record in the case of Chaney Trent, et al.

(SIGNED)

T.B. Needles.  
Commissioner.

Muskogee, Indian Territory,

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DEPARTMENT OF THE INTERIOR,  
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application of Chaney Trent for the enrollment of herself and her seven minor children, Frank, Mary, Willie, Susie, Lee Drew, Benny and Fannie C. Trent, as citizens of the Creek Nation.

D E C I S I O N .

It appears from the record in this case that on October 18, 1900, Chaney Trent, thirty-seven years of age, appeared before the Commission at Muskogee, Indian Territory, and made application for the enrollment of herself and her seven minor children, Frank, 20 years old, Mary 18 years old, Willie 16 years old, Susie 8 years old, Lee Drew 6 years old, Bennie 4 years old, and Fannie C. Trent, 18 months old, as citizens of the Creek Nation; that additional testimony was offered in support of said application on November 28, 1900.

It also appears that the said applicants base their right to enrollment on the fact that Richard Atkins, the father of the said Chaney Trent, was recognized as a citizen of the Creek Nation by blood, by the Creek National Council, in 1890. An examination of the Creek tribal rolls in the possession of this Commission discloses the fact that the said Chaney Trent was not named in the act of Council which recognized her father, Richard Atkins, as a citizen of the Creek Nation, and the ages of her children given in her testimony, show that at the time she was the head of her own family

Upon examination of the rolls and records of the Creek Nation now in the possession of this Commission, it is found that the names of the said Chaney Trent and three of her said children, Frank, Willie and Lee Trent, appear upon the list of persons reported stricken from the Creek tribal rolls by the Citizenship Committee of the Creek council, under the provisions of the act of Council, approved May 15, 1895, and that the report of said Committee was adopted by Act of said Council, approved June 8, 1895.

It is also found that subsequent to said June 8, 1895, the applicants herein, were not admitted to citizenship by the Creek tribal authorities, nor by the Commission to the Five Civilized Tribes, or the United States court in Indian Territory, on appeal in accordance with the provisions of the act of Congress approved June 10, 1896. (29 Stats., 321.)

It is therefore the opinion of this Commission that the said Chaney Trent and her seven minor children, Frank, Mary, Willie, Susie, Lee Drew, Benny and Fannie C. Trent are not citizens of the Creek Nation and duly and lawfully enrolled or admitted as such, and that their application for enrollment as citizens of said Nation should be denied, and it is so ordered.

Commission to the Five Civilized Tribes.

Dated at Okmulgee, Indian Territory,  
May 24, 1901.

Acting Chairman.

Commissioner.

Commissioner.



Department of the Interior,

Commission to the Five Civilized Tribes,

In the matter of the application for the enrollment of Chaney Trent et al. The Creek Nation by its Principal Chief, enters its solemn protest against the enrollment of Chaney Trent and her Children as citizens of the Creek Nation and assigns the following reasons why its contention is believed to be the law in the case.

The Department in its letter of May 7, 1904 stated, that the primary question is the effect of the act ~~admitting~~ admitting Richard Atkins, without naming his children specifically or in general terms. The Commission to the Five Civilized Tribes found that it had been the custom of the Creek Nation to hold that the adoption or admission of a person to citizenship did not confer any rights or privileges upon descendants ~~therefore born~~. The Department takes the contrary view owing to the apparent preponderance of the evidence to the effect that the admission of the father because of Creek blood admitted all his children then living. The attention of the Department is called to the fact that the Commission having the witnesses before it was in a position to give weight to something besides the mere preponderance in number of witnesses. In matters effecting a custom or usage it is well known that the quantity of testimony obtainable for or against a given proposition is practically unlimited. The Commission, it is believed, endeavored to ~~obtain~~ obtain the *of men who are not only well informed as to the customs* views of the nation but whose reputation for truth and integrity were of the highest character. Unquestionably the chief witnesses for the applicants were Ellis B. Childers and Legus C. Perryman.

The former, as the Department states, in its letter referred to, was for eight years a member of the Creek Council and for three years treasurer of the Nation; the latter at one time held the office of Principal Chief. While their advancement to such high offices might show the confidence and esteem which they were once held yet they fell from the high estate to which they had risen. Childers was convicted of the charge of fraud against the Creek Nation while in office and served a term in the penitentiary for his crime. Perryman was *of his will* impeached, and misdemeanors in office and was by the Creek National Council removed from office. Upon the question of an unwritten law or custom it is of the highest

importance that the witnesses whose testimony should have weight ought to be of the very highest character and unquestioned integrity.

The present Principal Chief was a witness in the case, called at the instance of the Commission. For almost <sup>forty years</sup> he has been honored by the Creek people with various official positions and has been recently re-elected to the position he now occupies.

A. P. McKellop has long been in public life; he has given the laws and customs of the Creek Nation a life-long study; he is the author of the Creek law book; his knowledge of the laws and customs of the Creek Nation is not surpassed by any and his character is above reproach. Shall his word be set aside by that of an ex-convict? Shall it be set aside and be held for naught by the testimony of one who was driven in disgrace from office by his out-raged countrymen?

In addition to the testimony in the case it will be seen by reference to the Creek law book that acts of admission or adoption invariably included, specifically or generally, the children of the one admitted where it was the intention to admit children with the parent.

The Creek law book (B103) <sup>shows</sup> that on Oct. 28th 1890, the day on which Richard Atkins was admitted, Thomas H. Berryhill was admitted to citizenship ~~and~~ and his children Theodore F., John P., Cora F., and William F. Berryhill were minors, were mentioned in the act admitting him. All of these names appear on the partial list of Creek Indians approved by the Secretary of the Interior March 13, 1902. Roll No 2082 to 2586, respectively. On the same day Johnson Hodge, now dead, was admitted to citizenship by blood and his minor children Johnson F., and Mary were mentioned in the act, Roll Nos. 5569 and 5570. On the same day Mrs Millis Minton was admitted as a citizen by blood and her minor children Mark, Harry, Rupert, John and Douglas were mentioned in the act, Roll Nos, 209, 285, 219, 211, 212 and 213. These acts of admission clearly show the custom of the Creek Nation. If further evidence of the custom is considered necessary it is furnished by the committee of eighteen who could find no authority of law for ~~admitting~~ admitting the names of Chaney Trent and her children to remain on the Rolls and accordingly struck them off, which action was approved by the Council. The evidence, both direct and circumstantial, clearly shows that it was not the custom of the Creek Nation that the admission of a person to citizenship by reason of Creek blood

admitted his children who were not mentioned, either specifically or generally, in the act which admitted him. The act of the Creek Council, approved Oct. 26, 1889, changed the whole ~~uncertain~~ uncertain custom to one of positive law. This act provides.

Section 295. All persons who were born, or who may be hereafter born, beyond the limits of the Indian Territory, and may have <sup>been</sup> entitled heretofore <sup>to</sup> make application for citizenship, on account of Indian blood or tribal adoption, and who have continuously <sup>resided</sup> beyond or outside of the jurisdictional limits of the Muskogee Nation for the period of Twenty One years, are hereby declared aliens, and not entitled to citizenship in the Muskogee Nation, or to any of the privileges thereof.

Section 296. The minor children and descendants of persons so debarred from citizenship and declared aliens, are hereby also excluded from citizenship in the Muskogee Nation, and from all the privileges thereof.

The applicant ~~Shanty~~ Trent admits she was born outside the Indian Territory and that she lived in Missouri Twenty Two years before coming to the Creek Nation; that her father, Richard Atkins left the Creek Nation and made his home in Missouri for Twenty Six years or Twenty Seven Years and after his return lived in the Nation <sup>more</sup> than a year before he made any effort to be admitted to citizenship.

After the passage of the act referred to, by the Creek Council, Chaney Trent was an alien, her father also became an alien. The act of the Council recognized Richard Atkins Creek blood not as the foundation of a right for the right had ceased to exist, but merely as a reason for conferring upon him the favor of admission to citizenship. The act was simply the adoption of ~~an~~ alien, Richard Atkins. The alien Chaney Trent was not admitted. If it should be held that the act of the Council in admitting Richard Atkins as a citizen by blood also admitted his children then living, the question then arises whether at the time of the application herein Chaney Trent and her children were citizens of the Creek Nation within the meaning of the act of Congress of June 28, 1898, or subsequent acts. In construing any law of Congress upon the subject of enrolling citizens of the Creek Nation the entire legislation effecting the matter should be considered in order to arrive at the

intention of the law makers. It is not to be presumed that Congress intended to destroy previous legislation on the subject unless that intention is expressed in unmistakable terms-. The act of June 28, 1898, must be read in the light of what had gone before-.

The act of June 10, 1896, provides: that the rolls of citizenship of the several tribes are hereby confirmed.

The act of June 7, 1897, furnishes us with that which is of much importance in the case now under consideration a definition of rolls of citizenship". That act provides that "rolls of citizenship" as used in the act of June 10, 1896, shall be construed to mean the last authenticated rolls of each tribe which have been approved by the Council of the Nation, and the descendants of those appearing on such rolls, and such additional names and their descendants as have been subsequently added, either by the Council of such Nation, the duly authorized courts thereof, or the Commission of the Five Civilized Tribes under the act of June 10, 1896.

The act of June 28, 1898, authorizes and directs the Commission to make correct rolls of the citizens by blood of all the other tribes (including the Creek) eliminating from the tribal rolls such names as may have been placed there by fraud or without authority of the law, enrolling only such as may have lawful rights thereto, and their descendants born since such rolls were made.

The act of March 1, 1901 provides: No person, except as herein provided, shall be added to the rolls of citizenship of said tribe after the date of this agreement, and no person whomsoever shall be added to said rolls after the ratification of this agreement. All citizens who were living on the first day of April 1899, entitled to be enrolled under section Twenty-one of the act of Congress, June 28, 1898, *shall be placed upon the rolls to be made* All children born to citizens so entitled to enrollment, up to and including the first day of July 1900, and then living, shall be placed on the rolls made by said Commission. This act was ratified by the Creek Council May 25, 1901.

The act of June 30, 1902, provides that: All children born to those citizens who are entitled to enrollment as provided by the act of Congress, approved March 1, 1901, subsequent to July 1, 1900, and up to and including May, 25 1901, and living upon the latter date, shall be placed upon the rolls to be made by the Commission. All children who have

not heretofore been listed for enrollment living May, 25, 1901, born to citizens whose names appear upon the authenticated rolls of 1896 or upon the authenticated rolls of 1895, and entitled to enrollment as provided by the act of Congress approved March 1, 1901, shall be placed on the roll made by said Commission.

The Department in its letter states:

(( There is in the record much evidence about a census ordered by the National Council and taken, in part at least, in 1896. A record of such a census of all but three of the towns was made in 1897, in a book in the executive office; In such record the name of Chaney Trent and four of her minor children appear in Cheyenne town. Nov. 10, 1896, at page 309 of the proceedings of the house of Kings, it appears that the house received a communication from the executive office advising the Council to authenticate these census rolls, but that the house adjourned that day without having further action thereon. There is much testimony tending to show that these rolls were finally approved before the record was made in 1897. One book of the proceedings of the house of Kings has been <sup>by the</sup> lost compulsory attendance of of the clerk A. F. McKellop at the United States court with the book, where he parted with its custody and has never been able to recover it or upon search by him and the clerk of the court to find it. In such case of the loss of the primary evidence the necessity for admission of secondary evidence arises. It is certainly possible that at a later session the rolls of 1896 were approved by the Council. There is much direct evidence that such is the ~~fact~~ and little evidence to contrary. The Department then says "but it is not necessary <sup>to hold</sup> that such census roll of 1896 was authenticated by the Council. The census having been authorized and officially taken is an official document <sup>the</sup> ~~and~~ accuracy of which is presumed until contrary appears. It is competent evidence as also are official records made from it. If never finally approved and authenticated by the Council, which had the final power of approval, thereby making it conclusive upon the Nation, ~~it~~ it is nevertheless competent record evidence of a high degree of verity, though, for lack of final authentication rebuttable and not conclusive. The names of Chaney Trent and her children being thereon inscribed, their right is prima facie established, and nothing in the record rebuts it. ")



(6)

From the fact that then Principal Chief called the attention of the Council to the so called 1896 census and suggested and action be had thereon it seems clear that said census was to have no force or effect untill approved by the Council, but the Council did not approve it and it is here insisted that if not approved it did not become a roll of the Creek Nation. The letter of the Department states: "It is certainly possible that at a latter session the rolls of 1896 were approved by the Council. There is nothing in the evidence showing that this matter was placed before the Council at a subsequent term. Moreover, the roll of Cheyarrhar town, the <sup>only</sup> ~~one~~ that has a bearing in the case does not show that it was even considered by the Colbert Commission, to whom the rolls were referred. It is not shown that the genuine signature of the town officers appear affixed to the roll. It is merely a printed slip of paper containing a number of names. It does not appear to have been considered by the Colbert Commission."

It may be true that the census having been authorized and officially taken might be considered an official document, even without the authentication of the Council, it is certainly true that without the authentication of the Council it cannot be considered such a "roll of citizenship" as would fall within the definition "the last authenticated roll,..... which has been approved by the Council of the Nation".

If it is not such an authenticated roll as is provided for by the acts of Congress authorizing and directing the making of a roll of Creek citizens by the Commission to the Five Civilized Tribes it ought not to be considered in an application for enrollment as a citizen of the Creek Nation. If the Commission had the authority to admit persons to citizenship this roll might very well be considered as a matter of proof, but the Commission has no longer authority to entertain applications for citizenship. Such authority was conferred by the act of June, 18, 1896. Since that act the Commission has engaged, as provided by the law, in enrolling those who were already citizens at the time they made application for enrollment.

The 1896 census roll not being an authenticated roll ought to be eliminated from consideration. The question then arises whether the names of Chaney Trent and her children born prior to the making of the

1895 authenticated roll are found on said roll. The evidence shows that on Dec. 28, 1890, Richard Atkins, the father of Chaney Trent, was by the Creek Council declared a citizen by blood of the Creek Nation. The evidence further shows that the measure admitting Atkins was fathered by one Haney, King of Coweta town; that Haney was compelled to leave Okmulgee before putting the name of Atkins on his roll; that in Haney's absence, it being desired to get Atkins name on a roll in time for a payment then pending, Atkins whole family was placed on the roll of Arkansas town by the King of that town. In 1895 another payment was to be made, and the Creek Council, believing that many persons were on the roll without authority of law, appointed a Committee of Eighteen to examine the rolls and report the result of their labors to the Council, on June 8, 1895, this Committee reported to the Council that it had examined the rolls of the several towns and that the names of 619 persons should be stricken therefrom. The report of the Committee was adopted by the Council. The name of Chaney Trent was contained in the 619.

In discussing the Colbert Commission the Department evidently mistook the law when it stated in its letter, that the doubtful roll was referred to it. There is nothing in the acts of the Creek Council making any such reference. The approval of the Council of the report of the Committee of Eighteen was, without any doubt, the last act approving a tribal roll. No roll has been approved since that time.

Chaney Trent applied to the Colbert Commission for citizenship in the Creek Nation, but the application does not appear to have been prosecuted, at least no action was taken in the case by that Commission, and Chaney Trent and her children remained where they were before the application was made—stricken from the rolls of the Creek Nation. That the Council had the power to withdraw citizenship which it had previously granted is settled by the decision of the Supreme Court of the United States in the case of Rolfe vs. Burney (16 U. S. 223).

The Department in its letter states: In 1896 or 1897 Atkins applied to the Kings of Arkansas and Choyarhar for transfer for himself and family to the latter town roll.

This was granted, and the names of Atkins, Chaney and her children were placed on that roll and carried to the time of application



to your Commission.

On this point it is desired to call the attention of the Department to the fact that on July 24, 1895 Chaney Trent and her Children applied to the Colbert Commission to be restored to the rolls, and that her father signed ~~the~~ bond in that application. This shows conclusively that Chaney Trent and her father knew at the time of the attempted transfer that her name was not on the Arkansas roll and that the attempted transfer was a deliberate fraudulent attempt to undo, with the help of ignorant or corrupt town Kings, what the Council had previously done. When the names of Chaney Trent and her children were placed upon the Chey-arhar town roll they were certainly there without the authority of the law, because it was impossible for a town King to transfer to another roll names which were not on his roll. To treat this transfer seriously ~~it~~ is to say that the town Kings had power to give citizenship to those who had been denied by the Council.

The case of Jennie Johnson et al., applicants for citizenship in the Creek Nation under provision of the act of Congress, June, 10. 1896 is also a parallel case to ~~the~~ one now under consideration. In the Johnson her name was found on the 1890 roll and was stricken from the roll by the Council in 1895 as recommended by the Committee of Eighteen.

She made application for citizenship to the Commission to the Five Civilized Tribes and was denied; she appealed to the United States Court in the Indian Territory and the decision of the Commission was sustained in an opinion which shows much thought and careful search ~~for~~ truth and law. A copy of the opinion of the court on a motion for rehearing is attached hereto and asked to be reconsidered in connection herewith.

The Creek Council when it ~~adjudged~~ adjudged that the name of Chaney Trent and her children should be stricken from the roll said in effect that their enrollment had been procured by fraud or without the authority of the law. At the first opportunity after the fraud was discovered her name was stricken. It should be remembered that the 1890 roll is a pay roll. The next payment was in 1895-- In the meantime the fraud was discovered and the Creek Nation corrected the rolls.

In conclusion the Principal Chief states that in the discharge of his official duties he desires that every citizen of the Creek Nation be enrolled.

(9)

Likewise he believes it to be his solemn and imperative duty to protest against the enrollment of those he feels convinced are not entitled to enrollment under the law. Having presented the law in the case as he views it the matter is finally submitted to the Department. It is respectfully requested that the Commission to the Five Civilized Tribes transmit this protest and accompanying copy of the opinion of the Court in the Jennie Johnson case, with the schedule in which the names of Chaney Trent and her children may be contained.

Respectfully.

(Signed) P. Porter  
Principal Chief.

Muskogee, Indian Territory,

September, 9th. 1901.

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You are notified that you have filed upon land and improvements held and owned by James Trent, the application for citizenship of whose wife and children has not as yet been decided. You are therefore requested to refrain from any act or attempt to take possession of any improvements on lands held by him or in any way interfere with his tenants in the same.

*Benjamin Martin*  
Attorney for James Trent.

INDEXED.

COMMISSION TO FIVE TRIBES.			
No.	Received	ANSWERED	
		Book	Page
13278	SEP 10 1901		
1861			

*Martin Jr. Benjamin*  
*Muskogee, I. T.*  
*Sept. 9/01.*

CREEK

*Request that James Trent*  
*be permitted to hold the*  
*lands relinquished to*  
*his possession, pending*  
*the final determination*  
*of his citizenship case.*

*File with Creek Enrollment Case*  
*# 78*

*Benjamin Martin, Jr.*  
*Attorney at Law.*

NOTARY AND STENOGRAPHER IN OFFICE  
TELEPHONE NO. 114.

*Muskogee, Ind. Ten. Sep. 8th. 1901.*

Hon. Commission to the Five Civilized Tribes,

Muskogee, Ind. Ter.

Gentlemen,-

James Trent for his wife, Chaney Trent, and minor children who were applicants for citizenship in the Creek Nation and whose applications are still pending before your Commission, is in possession of certain improvements which are owned by him in sections 29, 30, 31 and 32, township 18 north, range 17 east, Creek Nation Indian Territory. On the first day of July, 1901, a part of the N. E. 1/4 of section 31 and the S. W. 1/4 of section 29, said range and township, were reserved for Chaney Trent and her children. Previous to which date the following named persons, Fred Colbert, Hattie White, Jones Gladstone Emery, Vina Watson, Sam Austin, William K. Ennard, Milly Andy and Emma Cowans had filed upon improvements of James Trent. They are now making demand for the said land and improvements upon which they have filed and claim the rents and improvements arising thereon.

Inclosed you will please find a copy of a notice which I have directed my client, James Trent, to serve upon each of the said parties. And I respectfully ask that the said James Trent be permitted to hold the lands and improvements in his possession pending the final determination in his citizenship case. The information herein furnished is that received from my client.

Yours respectfully,

*Benjamin Martin, Jr.*

REPRODUCED COPY OF DOCUMENT, WRITING, AND ORDER OF COURT

STATE OF INDIANA

Indian Territory

NORTHERN District

MONDAY Morning, 9 o'clock, December 5th, A. D. 1895 Court met pursuant to adjournment. Present, the Honorable Wm. P. Springer, Judge of the United States Court for said District.

UNITED STATES

No. 233

vs.

Indictment for Conspiracy to commit an offense against the United States in the Indian Territory.  
Ellis B. Childers

On motion of W. P. Springer, Esq., Attorney for the United States in Court for said District, the said defendant Ellis B. Childers was brought to the Court and taken into custody of the Marshal for said District, and a writ of habeas corpus was issued by the Court on the day when the sentence of the Court in this case was pronounced, to wit: Monday, Dec. 5th, 1895. Shall not have any further proceedings in this case, as he has nothing further or other to say thereon.

WHEREUPON, The premises being seen, and the Court being sufficiently understood, It is considered by the Court that the said Ellis B. Childers for his crime aforesaid, be committed to the penitentiary situated at Jefferson City, Missouri, for the term and period of Two (2) Years and that he pay to the United States of America a fine of Ten Thousand (\$10,000.00) Dollars, together with all their costs in and about this prosecution laid out and expended, and that they have execution therefor. And that he stand committed until fine and costs are paid unless sooner discharged by due process of law. Time to commence from today.

IT IS FURTHER ORDERED, That the Marshal of this Court in whose custody the said Ellis B. Childers is now committed, receive and safely keep and convey the body of the said Ellis B. Childers hence to said penitentiary without delay, and deliver him to the custody of the keeper of said penitentiary, who will receive and safely keep the said Ellis B. Childers in said penitentiary, in execution of the sentence aforesaid, and in conformity with the same, for the full period of the time aforesaid.

AND IT IS FURTHER ORDERED, That the Clerk of this Court furnish the Marshal of this Court with two duly certified copies of this judgment, sentence, and order, one of which shall be delivered to the keeper of said penitentiary, and the other retained by the Marshal to this Court, with a full and true account of the execution of the same.

I, W. P. Harrison, Clerk of the United States Court in the Indian Territory, Western District, hereby certify that the foregoing is a true and correct copy of the judgment, sentence, and order in the

above-entitled cause, as the same appears of record.

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed the seal of said Court at Wagoner, in said Indian Territory, this 28th day of July, A.D.1903.

(Signed) R.P.Harrison, Clerk

By (signed) A.J.Byrns, Deputy.

RECEIVED, at the Missouri State penitentiary at Jefferson City, Mo. this 26th day of Dec., A.D. 1898, from Leo E. Bennett, Marshal of the United States for the Indian Territory, Northern District, the body of the within-named defendant Ellis B. Childers, together with a copy of this writ.

J.D. Starke  
Warden

I CERTIFY that I have, in obedience to the within copy of judgment, and order of commitment, delivered the within-named Ellis B. Childers together with a copy of the within copy of judgment, sentence, and order of commitment, into the custody and hands of the Warden of the penitentiary at Jefferson City, Mo., on the 26th day of December, 1898, and have his receipt therefor indorsed thereon, as within I am commanded.

Leo E. Bennett  
U.S. Marshal for the Indian Territory,  
Northern District.

By \_\_\_\_\_ Deputy.

(Indorsed on back.)

UNITED STATES

versus

Ellis B. Childers

---

Certified Copy of Judgment, Sentence,  
And Order of Commitment.

--

Filed  
Jan 14 1899  
Jas A. Winston, Clerk.



United States of America,) ss.  
Indian Territory, )  
Northern District. )

IN THE UNITED STATES COURT IN THE INDIAN TERRITORY, FOR THE NORTHERN DISTRICT OF SAID TERRITORY, AT THE NOVEMBER TERM, A.D. 1898.  
AT WAGONER.

UNITED STATES	-
vs	-
JAMES EGAN,	-
BURREL COX,	-
T.E.SMILEY, WHOSE MORE FULL	-
CHRISTIAN NAME IS TO THE	-
GRAND JURORS UNKNOWN,	-
GEORGE W. STIDHAM,	-
ELLIS B. CHILDERS, AND	-
CHARLES GIBSON,	-
DEFENDANTS.	)

INDICTMENT FOR CONSPIRACY  
TO COMMIT AN OFFENSE AGAINST  
THE UNITED STATES.

The Grand Jurors of the United States of America, selected from the body of the Northern District of the Indian Territory, impaneled, sworn, and charged to inquire within and for the body of the Northern District of the Indian Territory, in the name and by the authority of the United States, upon their oaths do find, present and charge that one George W. Stidham and one Ellis B. Childers and one Charles Gibson, who were then and there members and citizens of the Creek or Muskogee Indian Nation of Indians, and one James Egan, and one Burrel Cox and one T.E.Smiley, whose more full Christian name is to the Grand Jurors unknown, who were not then and there members or citizens of any Indian Nation, on the 25th day of May, A.D.1897, within the Northern District of the Indian Territory, wilfully and feloniously did conspire, combine, confederate and agree together and among themselves, and with certain other evil disposed persons to the Grand Jurors aforesaid unknown, to commit a certain offense against the United States, in this to-wit: That on the 7th day of June, A.D.1897, and prior thereto, the Creek or Muskogee Nation of Indians was indebted to divers and sundry persons in a large sum of money, and that on said 7th day of June, A.D.1897, the United States Government had become and was indebted to said Creek or Muskogee Nation of Indians in a like large sum of money; that in order to pay to and for the benefit of said Creek or Muskogee Nation of Indians the amount of said indebtedness of the United States Government aforesaid, the Congress of the United States by an Act approved June 7th, A.D.1897, appropriated for said purpose a large sum of money, to-wit: The sum of \$333,000, and by the provisions of said Act empowered the Secretary of the Interior, acting through an officer of the Government of the United States, to pay out and disburse the same upon presentation to him of properly authenticated warrants and orders of said Creek or Muskogee Nation of Indians; that on the 10th day of November, A.D. 1896, the Council of the Creek Nation of Indians, it being the regularly and constituted legislative body of said Nation of Indians, passed an Act which was duly approved by the Principal Chief of said Creek or Muskogee Nation of Indians, which said Act provided for the appointment, by the principal Chief of said Nation, of a Committee, to be composed of three citizens of said Creek or Muskogee Nation, whose duty it should be to call in all unpaid and outstanding warrants and orders of said Nation, and to pass upon the validity of the same, and to make reports of their findings to the principal Chief; said Act of said Creek or Muskogee Council, approved November 10th,

A.D.1896, above mentioned, further provided that when said Committee should make report to the Principal Chief he should issue new warrants and orders, in such amount or amounts, as the legal holders and owners should designate, in lieu of all valid old and unpaid warrants and orders; said Act of said Creek or Muskogee Council approved November 10th, A.D.1896, further provided that when old warrants and orders had been passed upon by said committee and found to be valid and unpaid and the principal Chief had issued new warrants and orders in lieu of them that the old warrants and orders were to be destroyed; that under and by virtue of the provisions of said Act of the National Council of the Creek or Muskogee Nation, duly approved by the principal Chief of said Nation as aforesaid, on the 10th day of November, A.D.1896, the said principal Chief of the Creek or Muskogee Nation did afterwards and prior to the 1st day of May, A.D.1897, appoint one James H. Crabtree and said George W. Stidham and said Charles Gibson as members of said committee; that is to say, the said James Egan, Burrell Cox, T.E.Smiley, whose more full Christian name is to the Grand Jurors unknown, George W. Stidham, Ellis B. Childers, and Charles Gibson, did then and there unlawfully, wilfully and feloniously, conspire, combine, confederate and agree together to present and cause to be presented for payment to an officer in the civil service of the United States, to-wit, the Secretary of the Interior, who, acting through an officer of the Government of the United States, had the power and authority to approve, allow and pay the same, under and by virtue of a certain Act of Congress entitled, "An Act making appropriations for the current and contingent expenses of the Indian Department and for fulfilling treaty stipulations with various Indian tribes for the fiscal year ending June thirtieth, eighteen hundred and ninety-eight, and for other purposes", and which said Act of Congress was approved June 7th, 1897, a certain false, fictitious and fraudulent claim, in writing, purporting to be a genuine warrant, and order of the Creek or Muskogee Nation of Indians, and which is hereinafter first set forth, and purporting to represent a valid indebtedness of said Creek or Muskogee Nation of Indians, the said Creek or Muskogee Nation of Indians then and there being a tribe of Indians existing under the authority and sovereignty of the United States, which said alleged indebtedness of the Creek or Muskogee Nation, said false, fictitious and fraudulent warrant and order purported to represent, intending to present and to cause the same to be presented to the said Secretary of the Interior for payment as aforesaid, as a claim upon and against the Creek or Muskogee Nation of Indians, with intent then and there to defraud said Creek or Muskogee Nation of Indians, the said Secretary of the Interior, under and by virtue of the Act of Congress last above mentioned, having the power and authority acting through an officer of the Government, to approve, allow and pay the same; and the Grand Jurors aforesaid, on their oaths aforesaid, do further find, present, and charge, that afterwards, to-wit: On the 26th day of May, A.D.1897, and at the said Northern District of the Indian Territory, and in pursuance of, and in furtherance of and to effect the object and purpose of said unlawful, wilful and felonious conspiracy, combination, confederation and agreement so made and entered into as aforesaid, the said James Egan, Burrell Cox, T.E.Smiley, whose more full Christian name is to the Grand Jurors aforesaid unknown, George W. Stidham, Charles Gibson and Ellis B. Childers, did then and there unlawfully, wilfully and feloniously, cause to be made a certain writing purporting to be a genuine and valid report of the examining committee aforesaid, appointed as aforesaid, under and by virtue of the Act of Council of the Creek or Muskogee Nation, approved November 10th, 1896, and that on the 26th day of May, A.D.1897, the said committee, composed of said George W. Stidham, said Charles Gibson and one James H. Crabtree knowingly, wrongfully, wilfully and feloniously did pass upon and approve and report to the principal Chief of said Nation, certain

writings, purporting to be valid warrants and orders representing then and there valid and existing indebtedness of the Creek or Muskogee Nation of Indians and which said report of said committee to said principal Chief, is in words and figures as follows, to-wit:

**"Report Examining Committee  
Investigation of Creek National Warrants.  
Burla, I.T. 5/26, 1897.**

To the Honorable principal Chief of  
the Muskogee Nation:

The undersigned committee authorized by the Act of the National Council of the Muskogee Nation, approved November 10th, 1896, to call in and examine all outstanding warrants of the Muskogee Nation, respectfully report that we have examined and compared the warrants enumerated below, as required by law, and find the same to be correct and the holders thereof entitled to the new issue of warrants in equal amount.

No.	Date.	To whom issued.	For what purpose	Yr.	App.	General School R
8111	8-12-95	J.W. Mathis	Prin. S. Tchr.	94		/marks
7004	5-27-95	N.G. Gregory	Supp. E. S.	94		80.00
8297	5-12-94	J.M. Perryman	B. of E.H.S.	93		1125.00
8310	6-10-93	D.M. Hodge	Delegate W.C.	" "		13000.00
8309	7-7-92	Taylor Chissoe	Salary B. of E.	91	150.00	500.00
8305	4-20-93	Richard Bruner	Suppt. C.S.	92		275.00

Please issue the warrants as per above list to T.E. Smiley,  
Tulsa, I.T.

Chas. Gibson  
J.H. Crabtree  
G.W. Stidham";

meaning then and thereby, by said report and by the figures and abbreviations and proper names therein that an old outstanding warrant and order of the Creek or Muskogee Nation, which was numbered eight thousand one hundred and eleven, and bore date August 12th eighteen hundred and ninety five, had been issued, by the Creek or Muskogee Nation to one J. W. Mathis for services as Principal School Teacher and drawn upon an appropriation made by the Council of said nation in the year one thousand eight hundred and ninety four and was for the sum of eighty dollars, and that the same was correct and unpaid and that the legal holder thereof was T. E. Smiley and that he was entitled to have issued to him by the principal chief of said nation a new warrant and order in equal amount; and meaning then and thereby, by said report and by the figures and abbreviations and proper names therein, that a certain other old warrant and order of the Creek or Muskogee Nation which was numbered seven thousand and four and bore date May twenty seventh, eighteen hundred and ninety five, had been issued to one N.G. Gregory, for "Supp. E.S.", the meaning and sense of which abbreviations are to the Grand Jurors unknown, drawn upon an appropriation made by the Council of said Nation in the year one thousand eight hundred and ninety four and was for the sum of one thousand one hundred and twenty five dollars, and that the same was correct and unpaid, and that the holder thereof T.E. Smiley was entitled to have issued to him by the principal Chief of the said Nation a new warrant and order in an equal amount; and meaning then and thereby, by said report and by the figures and abbreviations and proper names therein, that a certain other old warrant and order, to-wit: an old, outstanding warrant and order of the Creek or Muskogee Nation which was numbered eight thousand two hundred and ninety seven and bore date May twelfth, one thousand eight hundred and ninety four, had been issued to one J.M. Perryman for building of Burla High School, drawn upon an appropriation made by the Council of said Nation in the year one thousand eight hundred and ninety three and was for the sum of Thirteen Thousand Dollars, and that the same was

correct and unpaid, and that the holder thereof, T.E.Smiley was entitled to have issued to him by the principal Chief of the said Nation a new warrant and order in an equal amount; and meaning then and thereby by said report, and by the figures and abbreviations and proper names therein, that a certain other old warrant and order, to-wit, an old outstanding warrant and order of the Creek or Muskogee Nation which was numbered eight thousand three hundred and ten and bore date June tenth, one thousand eight hundred and ninety three, had been issued to one D.M.Hodges, in payment for his services and expenses as delegate of the Creek or Muskogee Nation in Washington City, D.C. to represent said Nation in matters of legislation before Congressional committees and in other matters before the various departments at Washington, D.C. drawn upon an appropriation made by the Council of said Nation in the year one thousand eight hundred and ninety three, and was for the sum of five hundred dollars, and that the same was correct and unpaid, and that the holder thereof, T.E.Smiley was entitled to have issued to him by the principal Chief of the said Nation a new warrant and order in an equal amount; and meaning then and thereby by said report and by the figures, and abbreviations and proper names therein, that a certain other old warrant and order to-wit, an old outstanding warrant and order of the Creek or Muskogee Nation, which was numbered eight thousand three hundred and nine and bore date July 7th, one thousand eight hundred and ninety two, had been issued to one Taylor Chissoe, for salary for services rendered as a member of the National Board of Education, drawn upon an appropriation made by the Council of said nation in the year one thousand eight hundred and ninety one, and was for the sum of one hundred and fifty dollars, and that the same was correct and unpaid, and that the holder thereof, T.E.Smiley was entitled to have issued to him by the principal Chief of the said Nation a new warrant and order in an equal amount; and meaning then and thereby, by said report, and by the figures, abbreviations and proper names therein, that a certain other old warrant and order, to-wit, an old outstanding warrant and order of the Creek or Muskogee Nation which was numbered eight thousand three hundred and five and bore date April 20th, one thousand eight hundred and ninety three, had been issued to one Richard Bruner for support of Coweta School, drawn upon an appropriation made by the Council of said Nation in the year one thousand eight hundred and ninety two and was for the sum of two hundred and seventy five dollars, and that the same was correct and unpaid, and that the holder thereof, T.E.Smiley, was entitled to have issued to him by the principal Chief of the said Nation a new warrant and order in an equal amount; which said report of said committee to said principal chief purporting to represent legal and valid warrants and orders of indebtedness on the part of the Creek or Muskogee Nation of Indians, was false, fictitious and fraudulent in this, to-wit: That said old warrant and order number 8111 in favor of J.W. Mathews for the sum of \$80.00, and said old warrant and order numbered 7004 in favor of N.G.Gregory for the sum of \$1,125.00, and said old warrant and order numbered 8297, in favor of J.M.Perryman for the sum of \$13,000.00, and said old warrant and order numbered 8310 in favor of D.M.Hodges for the sum of \$500.00 and said old warrant and order numbered 8309 in favor of Taylor Chissoe for the sum of \$150.00, and said old warrant and order numbered 8305, in favor of Richard Bruner for the sum of \$275.00, all of which are hereinbefore set out in full and fully described, were each and every one false, fraudulent and forged and did not then and there represent any indebtedness of said Creek or Muskogee Nation, and said Nation was not then and there on account of said false, fraudulent and forged warrants and orders indebted to the aforesaid T.E.Smiley in any sum, and this the aforesaid Charles Gibson, Ellis B. Childers, Burrell Cox, George W. Stidham, James E. and T.E.Smiley, whose were full Christian name is to the Grand Jurors unknown, then and there well knew; and the Grand Jurors aforesaid, on their oaths aforesaid,



do further find, present, and charge that in further pursuance of and in furtherance of, and to effect the object and purpose of said unlawful, wilful and felonious conspiracy, confederation, combination and agreement so made and entered into as aforesaid, one James H. Crabtree, said George W. Stidham, said Charles Gibson, said Burrel Cox, said James Egan, said Ellis B. Childers, said T.E. Smiley, whose more full Christian name is to the Grand Jurors unknown, did at the Northern District of the Indian Territory the 7th day of June, A.D. 1897, wrongfully, wilfully and feloniously present at the office of the principal Chief of said Creek or Muskogee Nation at Okmulgee, the said report of the said examining committee hereinbefore fully set out and described, which said report was wholly false and fraudulent, and this the said James H. Crabtree, the said George W. Stidham, the said Charles Gibson, the said Burrel Cox, the said James Egan, the said Ellis B. Childers, and the said T.E. Smiley, whose more fully Christian name is to the Grand Jurors unknown, then and there well knew, for the purpose of obtaining and causing and procuring to be issued thereon new warrants and orders in lieu of the aforesaid alleged indebtedness of the Creek or Muskogee Nation, and the Grand Jurors aforesaid, upon their oaths aforesaid, do further find, present, and charge that at the Northern District of the Indian Territory, on the 7th day of June, A.D. 1897, at Okmulgee, the capitol of said Creek or Muskogee Nation, in further pursuance of, and in furtherance of and to perfect the object and purpose of said unlawful wilful and felonious conspiracy, confederation, combination and agreement so made and entered into as aforesaid, the said George W. Stidham and James H. Crabtree, with the connivance and at the solicitation and request of the said Ellis B. Childers, Charles Gibson, James Egan, Burrel Cox, and T.E. Smiley, whose more full Christian name is to the Grand Jurors unknown, wrongfully, wilfully and feloniously, did, by false, fraudulent and corrupt means procure and cause one James H. Lynch who was then and there a clerk in the office of the principal Chief of said Creek or Muskogee Nation, to issue upon and in lieu of the old warrants and orders, which were mentioned and set forth in the report of the aforesaid examining committee, hereinbefore set out in full and fully described, a certain false writing, purporting to be a warrant and order of the Creek or Muskogee Nation of Indians and purporting to represent a valid and unpaid indebtedness of the said Creek or Muskogee Nation, which said false claim in writing is in words and figures as follows:

"7,490.00

Executive office,  
Okmulgee, Muskogee Nation,  
June 7, 1897

The National Treasurer

Will pay out of the School Funds

To T.E. Smiley or order,

The sum of Seven Thousand Four Hundred and Ninety Dollars, by authority of an Act of the National Council approved November 10, 1896.

By the Principal Chief.

Ispahcher

Principal Chief, M.W.

S.B. Callhan,

Private Secretary.

No. 167. "

the said George W. Stidham, Charles Gibson, Ellis B. Childers, James Egan, Burrel Cox, and T.E. Smiley, whose more full Christian name is to the Grand Jurors unknown, then and there wrongfully, wilfully, and feloniously intending to present and cause to be presented for payment to the Secretary of the Interior a civil officer of the United States acting through an officer of the United States Government under and by virtue of an Act of Congress entitled "An Act making appropri-

ations for the current and contingent expenses of the Indian Department and for fulfilling treaty stipulations with various Indian tribes for the fiscal year ending June 30th, one thousand eight hundred and ninety eight, and for other purposes", which said Act was approved June 7th, 1897, having power and authority to approve, allow and pay the same, the aforesaid false, fraudulent and fictitious warrant and order, purporting to be a valid school warrant and order of the Creek or Muskogee Nation, numbered 167, and purporting to represent a valid indebtedness of said Nation, well knowing same to be wholly false, fraudulent and fictitious and well knowing that on said 7th day of June, A.D. 1897, the said Creek or Muskogee Nation of Indians was not then and there indebted to the said T.E. Smiley in the sum of Seven Thousand and Four Hundred and Ninety Dollars lawful money of the United States, or in any other sum; and the Grand Jurors aforesaid, upon their oaths aforesaid, do further find, present and charge, that at the Northern District of the Indian Territory, on the first day of July, A.D. 1897, at the town of Muskogee, in further pursuance of and in furtherance of and to effect the object and purpose of said unlawful, wilful and felonious conspiracy, confederation, combination and agreement, so made and entered into as aforesaid, one James H. Crabtree, the said George W. Stidham, the said Ellis B. Childers, the said Charles Gibson, the said Burrell Cox, the said James Egan, and the said T.E. Smiley, whose more full Christian name is to the Grand Jurors unknown, wrongfully, wilfully and feloniously did by falsely and fraudulently representing to one Charles H. Warth, that the aforesaid Creek Warrants and order No. 167, and heretofore fully set out, was a genuine warrant and order of the Creek or Muskogee Nation of Indians, and that said warrant and order, No. 167, then and there represented a valid and existing indebtedness of the said Creek or Muskogee Nation, and that the same, under and by the provisions of the Act of the Congress of the United States entitled "An Act making appropriations for the current and contingent expenses of the Indian department and for fulfilling treaty stipulations with various Indian tribes for fiscal year ending June thirtieth eighteen hundred and ninety eight and for other purposes", which said Act of Congress was approved June 7th, 1897, was such a claim and indebtedness of the Creek or Muskogee Nation as was authorized and required by the Act of Congress last above mentioned to be paid by the Secretary of the Interior, who, acting through an officer of the Government, had the power and authority to approve, allow and pay the same, sell and transfer the same to the said Charles H. Warth, and received therefor from the said Charles H. Warth a large sum of money, to-wit, the sum of \$6,553.75, one James H. Crabtree, the said George W. Stidham, the said Ellis B. Childers, the said Charles Gibson, the said Burrell Cox, the said James Egan, the said T.E. Smiley, whose more full Christian name is to the Grand Jurors aforesaid unknown, then and there well known that said warrant and order numbered 167, was wholly false fraudulent, fictitious and forged, and well knowing that on said first day of July, 1897, the said Creek or Muskogee Nation was not indebted to said T.E. Smiley in the sum of \$7,490.00, or any other sum; contrary to the form of the statutes in such case, made and provided, and against the peace and dignity of the United States of America.

P.L. Soper.  
United States Attorney,  
Northern District of the Indian Territory.

UNITED STATES OF AMERICA, )  
INDIAN TERRITORY, ) SS  
WESTERN DISTRICT, )

I, R.P.Harrison, Clerk of the United States Court in the Indian Territory, Western District, do hereby certify that the foregoing is a true and correct copy of the indictment in the above entitled cause, as the same appears of record.

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed the Seal of said Court at Wagoner, in said Indian Territory, this the 28th day of July, A.D. 1903.

(Signed) R.P.Harrison Clerk.

(Seal)

By " A.J.Byrns Deputy.



DEPARTMENT OF THE INTERIOR.  
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for )  
the enrollment of Chaney Trent, et )  
al, as citizens by blood of the )  
Creek Nation. )

No. Cr. En. 78.

STATEMENT AND BRIEF.

STATEMENT.

This case arises out of the refusal of the Commission to the Five Civilized Tribes to enroll, as citizens by blood of the Creek Nation, Chaney Trent and her children, to-wit: -Frank Trent, Mary Trent, Willie Trent, Ledrew Trent, Bennie Trent, Fannie Trent, Susie Trent, and James Trent.

The evidence shows (record page 1.) that Chaney Trent was born in the state of Missouri and lived there until sometime after her marriage to James Trent, a non-citizen; that her two children, to-wit: Frank Trent and Mary Trent were born in Missouri. That she, with her husband and two children then born, removed from Missouri to the Creek Nation about the year 1835, and have resided here continuously from that time until the present (record page 1.) That the balance of her children- to-wit:- Willie Trent, Ledrew Trent, Bennie Trent, Fannie Trent, Susie Trent, and James Trent were born and have lived all their lives in the Creek Nation.

Chaney Trent is the daughter of Richard Atkins, deceased, who was the son of Tom Atkins, a full-blood Creek Indian. Richard Atkins was born near Coweta in the Creek Nation, and lived there until some time during the War of the Rebellion when he removed to the state of Missouri and lived there until about the year 1835, when he returned to his old home near Coweta, in the Creek Nation, (record page 1 also testimony of E. B. Childers record page 35, as follows:-"Q. How long had Dick Atkins been here before this act, approved October 26th. 1890, was passed,-- that is the act that required them to appear, where they have been away for 21 years? A. I couldn't say just exactly. He was working for me about a year before this act was passed."

citizens of the Creek Nation made application to the National Council of the Creek Nation for recognition notwithstanding by blood of the Creek Nation, and on the 21st day of October, 1890, said Richard Atkins was recognized as a citizen of the Creek Nation by reason of his Creek blood, the language of the Act of the National Council being:

BE ENACTED BY THE NATIONAL COUNCIL OF THE MUKOGEE NATION:  
 "That Richard Atkins be and is hereby declared a citizen of the Mukogee Nation by reason of Creek blood.

Adopted.

A. P. Stidham,  
 Clerk Pro. tem.

Ward Constanman,  
 Pres. House of Kings.

A. P. McKelley,  
 Clerk.

Concurred in

T. J. Adams,  
 Speaker House of Warriors,  
 pro. tem.

Approved, Oct. 21, 1890.

L. C. Perryman,  
 Prin. Chief Muskogee Nation."

Shortly after the recognition of Richard Atkins as a Creek citizen by blood, his name and the names of his children, including Chaney Trent, and his grand-children- the children of Chaney Trent- were duly enrolled as citizens of the Creek Nation, and their names were placed on the Arkansas Town Roll, by Gabriel Jamison, the then Town King of Arkansas Town, as he had the right to do under the laws of the Creek Nation at that time. His testimony of S. B. Callahan as follows:

"Q. Suppose a party was born in the Indian Territory, having as a father a Creek Indian; that he moved out of the Nation into Wisconsin while there married; children were born to him; one of them reached the age of thirty years and was married to a non-citizen; the child was married- a daughter; moved to the Indian Territory; lived here three or four years; then her father came to the Indian Territory; applied to the Creek Council for recognition as a Creek Indian by blood; the Creek Council recognized and enrolled him as a citizen, as a Creek Indian by blood; would his daughter have to go before the Council to be recognized as a citizen or would she be recognized by the town chief of the town to which her father belonged? A. I think the town authority would have a right to enroll her as before; the only question would be as to her town."

Q. If they enrolled her and that roll was subsequently approved by the Creek Council, would there be anything further necessary to make her and her children citizens of the Creek Nation? A. Nothing else, sir."

It appears from the testimony of Gabriel Jamison, who is still Town King of Arkansas Town, that these names were placed upon said Arkansas Town Roll under the following circumstances: Richard Atkins and his children were

citizens by reason of their Creek Indian blood, and therefore should have been enrolled on one of the Indian town rolls instead of upon the colored town roll of Arkansas town. From the testimony of Eliza Childers and Gabriel Janison (record pp. 20, 29.) it appears that the Indian towns of Coweta and Theyerhara were practically one, that is, they were allied towns. One Haney was the town king of Coweta town. At the time of the recognition of the citizenship by blood of Richard Atkins and his family, and when the town rolls were being made up, Haney's son was killed, and he, Haney, had to leave Okmulgee, where the National Council was being held, and go home; the Principal Chief, Perryman, in the absence of Haney, applied to Gabriel Janison to look after the interests of the newly recognized citizens and to see that they were duly enrolled as citizens of the Creek Nation; thereupon Gabriel Janison as town king of Arkansas town (colored) enrolled the names of Richard Atkins, and his numerous children- including Chaney Trent and her three children, to-wit:- Frank Trent, Mary Trent, and Willie Trent, on the rolls of Arkansas town. See testimony of Gabriel Janison as follows:

Q. Now at the time you placed Chaney Trent and the other members of her family on your roll, state, if you can, what time that was, with reference to the time of their admission into the Creek Nation, as citizens thereof. A. Well, after they adopted, they gave up their right and went to the king house and voted, there was 47 kings, and I and Tebe Alexander was all the two in the house that would support her, and then down in the executive office, and still hadn't anything to do with it. A Creek man, named Haney, king of Coweta town, he was the man who was town king of Coweta town, and they claimed this Thomas Atkins belonged to his town, and he had a right to these childrens, Richard Atkins and his children, and he is the one took this application before the Committee until we had them adopted. And now, like today, and that night, going home, his son was killed by a horse, or something, and he had to go right away home.

Q. Is he the party who represented them? A. Yes, sir; and the next morning, this man about five o'clock I believe it was, before they took up Council at the house, I was in the executive office. Chief Perryman says, 'What you all going to do with the citizens made yesterday?' I said I had nothing to do with it, I said, 'Haney is the man,' and he says, 'Haney lost his son, and he has gone home,' and he says, 'Don't you take this family and put them on your roll, and Haney wants them when he gets back?' He says, 'We want to fix up the roll for our payment.' I told him 'yes', I said, 'The town is large enough, and I will do it.' I goes around to my clerk, Wiley McIntosh, he done all my writing, and I said, 'Wiley, put all these people on the roll', --

Then the original application was made for an Indian town? A. Yes, sir; Coweta was the Indian town it was made for, it was not Theyerhara.

Q. The town king of the town who made application? A. Yes, sir. --

Q. Had to go home, and it was then transferred to your town? A. Yes, sir; that is the way it was, that is the truth of it, too.

Subsequently, about the year 1896 or 1897, Richard Atkins- with the full consent of his children and grand children- made application to the respective Town Kings of Arkansas Town and Cheyaha Town to be transferred from the rolls of Arkansas Town to the rolls and membership of Cheyaha Town- and the transfer being agreeable to the Town Kings of each Town, the transfer was accordingly made. See testimony of William McIntosh, Town King of Arkansas Town, as follows:

"Q. Did Richard Atkins make application to you, during your term as Town King, for a certificate of transfer from Arkansas Town to Cheyaha Town, for himself, and Chaney Trent and her four children that I named to you? A. Yes, sir.

"Q. Were the names of Chaney Trent and her four children on the Arkansas Town roll at that time, when he made that application? A. It was't on the one that I had; it was on the one that Gabriel Marshall (meaning Gabriel Jamison) had.

"Q. How do you know it was on the town roll Gabriel Marshall had? A. Because the judge told me.

"Q. Now tell just what you knew that occurred about this transfer? A. Judge Childers-- this here Atkins came to me and wanted to be transferred to Cheyaha Town. I had refused it on account that it wasn't on my roll. It was on Gabriel's Roll, and he went back and came back with the letter from Judge Childers that they were parties that were admitted by the Creek Council, and it was on Gabriel's roll, and I must transfer him, and I wrote out a transfer to Cheyaha Town.

Q. Did you transfer them to Cheyaha Town without knowing of your own knowledge that they were on the rolls of Arkansas Town? You did it solely because Childers wrote you that they were on the Arkansas Roll? A. I saw Gabriel, and he told me it was on the roll, and Childers wrote me it was all right, and I transferred them on that ground. Our laws of the Creek Nation at that time said all persons must go before the District Judge and prove the right by so many witnesses, and the Judge would give him a paper. Childers proved that to me, why I transferred it."

Also testimony of Anderson Childers, Town King of Cheyaha Town as follows:-

"Q. Were the names of Chaney Trent and her children ever placed upon the roll of Cheyaha Town? A. Yes, sir.

Q. When was that? A. '96, I believe it was; I put them on my roll.

Q. By what authority did you place them upon your roll? A. They was transferred from the Arkansas Colored Town to the Cheyaha Town."

From the time the name of Chaney Trent and her children were placed upon the rolls of Cheyaha Town, until the Commission to the Five Civilized Tribes, May 24th, 1901, decided against them, their citizenship of the Creek Nation had never been questioned. The fact that the names of Chaney Trent and her children had been previously placed upon the "Doubtful Roll of Arkansas Town", was right and proper; being Indians by blood they could not legally be citizens of a Colored Town; the objection was not against their citizenship, but against



their being members of Arkansas Town which was a town of colored freedmen, while they were Indians by blood and should have been, as they subsequently were, they were enrolled as members of an Indian town.

Even though it should be contended that the transfer of the names of Richard Atkins and his children and grand-children from the Arkansas town to Cheyenne town was not in strict technical conformity with the laws and customs of the Creek Nation, the irregularity-if any there was-was fully and completely cured by the authorities of Cheyenne town, by the Colbert Commission and by the Creek National Council. See testimony of Anderson Childers, Town King of Cheyenne town as follows:-

Q. Was you Town King of Cheyenne town during the existence of the Colbert Commission? A. Yes sir.

Q. Was you called before that Commission to assist in examining the rolls of your town? A. Yes, sir.

Q. Did the Commission question you in regard to the Atkins family? A. Yes, sir.

Q. Did the Commission question you in regard to Sherry Francis' family? A. No, sir; they were all together.

Q. Have you heretofore executed an affidavit in regard to this case? A. Yes, sir.

Q. Did you attach to your affidavit, or was there attached to your affidavit a roll of the signatures of Cheyenne town members attached to your affidavit?

Q. Were the persons whose names are attached in that roll attached to your affidavit, members of Cheyenne town at the time you appeared before the Colbert Commission? A. Yes, sir; if I understand you right.

Q. That I mean by that is this: that there had been no persons added to or taken from that roll since the Colbert Commission's visit to you? A. Not while I had charge of the rolls.

Q. Now what I mean-- those people who are on here (roll attached to affidavit) were members of that town at the time you appeared before the Colbert Commission? A. Yes, sir.

Q. And were carried on your roll as members? A. Yes, sir.

Q. Did the Council of the Creek Nation approve that roll? A. Yes, sir; I believe that.

Q. You are not positive as to whether they did or didn't? A. Well the only way I know, I was in the Council when the report was made after the Colbert Commission examined the rolls, when they made their report of all in the book, and reported all that they had taken off the roll, and that of the rolls, these names were all right and these names were right, and these names weren't on the reported roll, and I suppose they were all right.

Q. At that time of Council was that roll correct? A. I can't exactly say, I believe it was the Colbert Commission was in session.

Q. I believe you stated that you wasn't a member of the Council in June, 1887? A. No, sir.

And by the testimony of Captain S. W. Callahan, as follows:

Q. You were asked here awhile ago with reference to the roll for Cheyenne town for the year 1888; state whether or not there was an official roll of Cheyenne town and the balance of the Creek Nation made and approved by the Council after that? A. Yes there was.

- Q. In what year was that roll made and approved by the Council?  
 A. It was in the year 1896.  
 Q. By what authority was that roll made? A. By authority of the Council.  
 Q. Of the Creek Council? A. Yes, sir.  
 Q. The authority for the making of that roll having been given was there a complete roll of the Creek Nation made to the year 1896? A. Yes, sir there was; rolls submitted from the towns; complete rolls.  
 Q. What was done with the roll submitted from Cheyenne Town? A. It with all the others were submitted to the Council; the Council approved these rolls."

While there seems to be a conflict of testimony as to the last authenticated roll, or set of rolls, of the Creek Nation the preponderance of the evidence shows that the Census Rolls of the Creek Nation for the year 1896 were and are the last duly authenticated rolls of the several towns of the Creek Nation. In the first place the records of the National Council of the Creek Nation <sup>show</sup> that such a roll was authorized and directed to be made. See page 67 of testimony, as follows:

Q. I will read from what purports to be the minutes book of the House of Kings, marked Book A, 1896-1897; page 190. I read from the last paragraph on the page beginning: "A substitute for an act adopted by the H of K providing for the election of 3 commissioners whose duty it shall be to take charge of all census rolls submitted by town officers; the substitute as follows: Be it enacted by the National Council of the Muskogee Nation: That the town Kings and Warriors of the several towns be required to take a census of their several towns and ascertain the names of the new born among the citizens of their towns since Sept. 24th 1893 and they shall submit the census to the present citizenship Commission. They shall also take a census of the dead members of their towns who have died since the last census was taken and submit said roll to the citizenship Commission. The citizenship Commission shall examine said census rolls and satisfy themselves of the correctness of same and so correct all of the town rolls. The Commission shall submit the rolls of the several towns as corrected by erasure of non-citizens, and dead and addition of new born to the October session of the Council for its approval. (Marked) concurred in."

In the second place the testimony of S. B. Callahan shows conclusively that the census rolls were made by the several town Kings and that said rolls <sup>(see his testimony above.)</sup> were duly and regularly approved by the Creek National Council. The Testimony of Callahan is fully corroborated by Ellis Childers' as follows:

"Q. Now I will get to your testimony-- Yesterday you said that after the judgment of 1893, that there was a complete roll of the Creek Nation made by order of the Council. Now you stated that that roll was recorded in a book which you would know if you had seen it. I will ask you to state whether you have, this morning, seen that identical roll of the Creek Nation in the office of the Executive of the Creek Nation. A. I seen it, yes, sir.

Q. I will ask you to state whether or not that roll was approved and authenticated by the Council of the Creek Nation . . . . .  
 A. That roll was approved by the Creek Council-- that is, the roll from which it was copied."

Also by the testimony of Anderson Childers <sup>above</sup> (see transcript of testimony pp. 22 and 23); by William McIntosh (transcript of testimony pp 11 and 12.); by Gabriel Jamison (transcript of testimony pp 12, 13

14, 15 et. seq; and by Miss Neely Todd (transcript of testimony pp 61 and 62.) but the most conclusive evidence on this point is the fact that the rolls of the Creek Nation in a large, substantial leather and canvas bound volume - entitled "Census Roll of the Creek Nation, 1896," is to be found at this time in the office of the Principal Chief of the Creek Nation, and this is the only roll of citizens of the Creek Nation to be found in the office of said Executive:

The fact that said volume does not contain all of the towns - there being three missing - is fully explained by the testimony of S. B. Callahan. (transcript of testimony pp. 55, 56 and 60) a part of which said testimony is as follows:

- Q. What was done with the rolls after they were approved? A. They were sent down to the Executive office and I stored them away in a box; tried to keep them there, but some of the rolls were taken out.
- Q. How many towns were taken out so that you could not get access to them? A. There was three rolls I couldn't find when I wanted to have them transcribed into this book; I couldn't find them.
- Q. State whether or not you had the rolls which had been approved by the Council transcribed into this book? (pointing to large book which had been introduced by applicants' attorney.) A. Yes, sir I did.
- Q. State whether the roll of Cheyarrhar Town which had been approved as correct by the Council of the Creek Nation was transcribed into this book as approved? A. Yes, sir, it was." .....

But that the rolls of all of the towns of the Creek Nation were made by the several Town Kings, who submitted them to the Creek National Council, and that they were approved by said Council is conclusively shown by the testimony. On the roll of the citizens of Cheyarrhar Town, as recorded in that volume, are to be found the names of Chaney Trent, Frank Trent, Mary Trent, Willie Trent, and Ledrew Trent.

While it is true that the report of the Colbert Commission on the "Doubtful Roll of Arkansas Town", heretofore referred to, contains many names - among which are to be found the names of Chaney Trent and her children, said report on its face shows the action of the Committee and of the Council with reference to each person named on said roll, by the words, "admitted", or "rejected" being written opposite each name - except in the case of Chaney Trent and her children; there is not a word or a line showing that any adverse action was taken in their cases. But the testimony of S. B. Callahan, Gabriel Jamison, William McIntosh, Anderson Childers and Ellis Childers shows



conclusively that instead of Chaney Trent and her children being rejected, they were recognized as citizens by blood of the Creek Nation by the Creek National Council and their enrollment as members of Cheyenne Town was fully approved and ratified by said Commission and by the National Council of the Creek Nation.

The laws and customs of the Creek Nation with reference to recognition and admission to citizenship- as shown by the testimony of several prominent citizens and officials of the Creek Nation as shown by the records were as follows:- Where a party, the head of a family made application for recognition as a citizen by blood, and he was admitted as a citizen by blood reason of his Indian blood, his admission admitted his family and that too without reference to whether or not his children were married: Once an Indian always an Indian was the invariable rule. Where, under the provisions of the treaty of 1866 Creek Freedmen made application for admission to citizenship the rule was that only those individuals who were specifically named in the petition, and were admitted to citizenship could be legally enrolled as citizens of the Creek Nation. Recognition as a citizen by blood- and admission under the terms of the treaty of 1866 were altogether different matters: In the first instance they were recognized as citizens because they were Indians; in the latter case they were adopted because the provisions of the treaty compelled their adoption.

Blood carries with it the right of inheritance; adoption carries with it no such right. Richard Atkins was a Creek Indian by blood; Chaney Trent and her children are Creek Indians by blood, Richard Atkins being recognized and admitted to citizenship by reason of his blood, his children and his childrens children by reason of their Indian blood became, upon the recognition and admission of the father and grand-father, as instanti, citizens of the Creek Nation.

Where a parent was recognized as a citizen of the Creek Nation by blood, it became the duty of the King of the town to which said parent belonged to enroll not only him but his children, etc., etc., etc. See testimony of S. B. Callahan ( transcript of testimony pp 54 and 55.) a part of which is as follows:

Q. Captain, suppose a resident of the Creek Nation applied to the Council and established his right to citizenship in the Creek Nation by blood; his rights as a Creek Indian by blood were admitted and he was recognized by the Council as a citizen of the Creek Nation, would that necessitate the proving of Indian blood or right to citizenship on the part of his children whether they be of age or not? A. Well, if there was any question about it as a usual thing the town regulated that part of it, the towns did the enrolling, or if there was no question about it the towns would enroll these children whether they applied to the Council or not.

Q. If the father having established his right to citizenship by blood his enrollment then - the Town King of the town to which he belonged did that town King have the right to enroll his children as citizens and would that make them citizens of the Creek Nation under the laws and customs? A. Yes that was the custom; they enrolled them and afterwards the rolls were submitted to the Council and the Council would approve the roll and make it final."

Also testimony of Lewis Perryman (transcript of testimony p. 42.)

and the testimony of Ellis B. Childers (transcript of testimony p. 35.)

The testimony of Ellis Childers also shows that the question as to whether or not Richard Atkins' children should be enrolled came up before the Chief and the citizenship Committee and that after a full discussion it was decided that they should be enrolled, they being Indians by blood- and so the children were enrolled for the \$20.00 payment. See his testimony as follows:

Q. . . . . Did you, after the passage of that act, did you discover that the name of Chaney Trent had been omitted from the act? A. I did some time afterwards, that is when I discovered it was before the Committee before a Committee, that was going over the rolls for the purpose of payment, and this matter came up, and that Dick Atkins' children weren't on the application-- that is, the act that was passed by the Creek Council, and I notice that the act said that he was recognized as a citizen, by reason of his Indian blood. Well, I taken the position that it wasn't really necessary by reason that he wasn't adopted, but he was simply recognized by his Indian blood, and if he had Indian blood, his children also had the Indian blood, and I taken the position before the Committee, and I then referred to the Chief and I taken him and introduced him to the Chief, and the Chief then taken issue with me-- that is, the Chief sided with me, and the children were then enrolled in the \$20.00 payment.

It is admitted that several of the children and grand-children of Richard Atkins are on the rolls of the Creek Nation as duly enrolled citizens, and that they are enjoying, without question, all the rights, privileges and benefits of Creek citizens; their names were not mentioned in the application of Richard Atkins, then why should a different rule apply in the case of his daughter Chaney Trent and her children? They all stand upon the same footing- Creek Indians by blood- children and grand-children of Richard Atkins, a Creek

Indian by blood, and a duly enrolled citizen of the Creek Nation. Every rule of law, custom, right, justice and precedent demands that Chaney Trent and her children be recognized and admitted to citizenship in the Creek Nation.

Respectfully submitted,

*Thomas H. Harrison* ---  
Attorneys for Applicants.

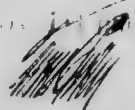
I hereby accept service of a copy of the above and foregoing Statement and Brief on behalf of Chaney Trent, et al, this the 16 day of 1903.

*W. H. [Signature]* ---  
Attorney for Creek Nation.

No. Cr. En. 78

In the Matter of the Application for Enrollment of Chaney Print, et. al. as Citizens by blood of the Creek Nation.

DEPARTMENT OF THE INTERIOR,  
COMMISSION TO THE FIVE CIVILIZED TRIBES.  
**FILED**



CHAIRMAN

Statement and Brief.

THOMAS & HARRISON,  
ATTORNEYS-AT-LAW,  
MUSKOGEE, - IND. TER.

TIMES PRINT

*Case No. 78*  
700-4-19

No. 78

*In the matter of the  
Application for the  
Enrollment of Chas. J.  
Trent, et al. as Citizens  
by blood, of the Creek  
Nation.*

*Further Application of  
Motion For Continuance.*

DEPARTMENT OF THE INTERIOR,  
COMMISSION TO THE FIVE CIVILIZED TRIBES.

FILED

*November 4, 1903*

CHAIRMAN

THOMAS & HARRISON,

ATTORNEYS-AT-LAW,

MUSKOGEE, - IND. TER.

TIMES PRINT

DEPARTMENT OF THE INTERIOR  
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of Chaney Trent, et al.,  
as citizens, by blood, of the Creek Nation.

George Thomas & Harrison, attorneys for the applicants herein  
and respectfully request an extension of time for the purpose of filing a Brief  
in this case, and for cause say:

That the time heretofore allowed, to wit: ten days from October  
23rd, 1902, within which to file a Brief herein was not sufficient for the  
examination of the record in the case and the preparation of such a Brief as the  
merits of the case demand, and for the further reason that Judge John R. Thomas,  
senior ~~and~~ counsel in the case, has had the exclusive management thereof before  
the Commission to the Five Civilized Tribes, and that said ~~and~~ senior counsel  
has been and is still absent from the city; that this motion is made in good  
faith and not prompted by any desire for unusual delay, but that the merits thereof  
may be presented and the interests of these claimants may be protected; that  
Judge Thomas will return to the city within the next few days and immediately  
upon his return the filing of the Brief will have his prompt attention.

Respectfully submitted .

*Thomas & Harrison*  
*By H. M. Harrison*

(COPY)

DEPARTMENT OF THE INTERIOR,  
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application of  
Chaney Trent, et al., to be enrolled as  
citizens of the Creek Nation.

And now comes the said Chaney Trent, et al., by Thomas  
Harrison, their attorneys, and asks permission to file the hereto  
attached certified copy of complaint filed by P. Porter as Principal  
Chief of the Creek Nation vs. James Trent and Chaney Trent, in the  
office of the United States Indian Agent for the Union Agency, In-  
dian Territory.

This paper is filed in this case for the purpose of showing  
two things: First- that said P. Porter, who has been examined as a  
witness in this case, is prejudged against the Trent family, and  
Second- that in order to enable Lizzie Miller and her children to  
get possession of the splendid farm made by Chaney Trent and her  
family he attempted- unsuccessfully- to have said Trents' declared  
to be intruders and put out of the Creek Nation.

(Signed) Chaney Trent

Applicant.

By (Signed) Thomas & Harrison

Attorneys for Applicants.



(COPY)

BEFORE THE INDIAN DEPARTMENT

Creek Nation, by P. Porter,  
Principal Chief,  
Plaintiff,  
vs.  
Jas. Trent and Chaney Trent,  
husband and wife, Defendant.

Now comes the Creek Nation, by P. Porter, Principal Chief, and represents that he is the Executive officer of said Nation; that the defendant James Trent and Chaney Trent, his wife, are non-citizens of the Creek Nation, whose post office address is Wagoner; that they are now occupying, living upon and holding possession of the Northeast quarter of Section 29, Township 18, Range 17, and lying near the town of Wagoner. That they have no right, title or interest in or to said property, nor are they holding it by virtue or by the authority of any citizen of the Creek Nation. That the aforesaid property is the property of the Creek Nation and subject to be allotted by the Commission to the Five Civilized Tribes; that the improvements upon said allotment are the property of Lizzie Beck Miller, a citizen of the Creek Nation, for and on behalf of her minor children Gertie Beck and Fannie Beck, minors, she being the mother and natural guardian thereof.

Your complainant further states that the defendants are objectionable to the Creek Nation and their presence in the Creek Nation is detrimental to the peace and welfare of the said Tribe and that they are not residing within said Nation by any legal authority whatever, and asks that they be declared intruders and be removed beyond the confines of the Creek Nation.

(signed) P. Porter,  
Principal Chief,

By (signed) A.P. Murphy,  
National Attorney.

Department of the Interior, Union Agency, Muskogee, Indian Territory.  
I, J. Blair Shoenfelt, U.S. Indian Agent, Union Agency, Indian Territory, do hereby certify that the above is a true and correct copy of the complaint filed in the case of the Creek Nation, by P. Porter, Principal Chief, vs. Jas. Trent and Chaney Trent, husband and wife, as appears from the original complaint now on file in my office.

In witness whereof I have hereunto set my hand and seal this 29th day of Dec. 1903

(signed) J Blair Shoenfelt

U.S. Indian Agent.

*For the purpose of  
Civilians Indians*

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*Re the matter of the  
reopening of the an-  
nouncement of Channing  
Dart and others*

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52.71  
DEPARTMENT OF THE INTERIOR,  
COMMISSION TO THE CIVILIZED TRIBES,  
FILED

*September 10, 1904*

CHAIRMAN.

*M. S. Watt*

DEPARTMENT OF THE INTERIOR.

United States of America, }  
Indian Territory, }  
Western District. }

Petition to Reopen.

In the matter of reopening of the enrollment of Chaney Trent,  
Frank Trent, Mary Trent, Willie Trent, Susie Trent, Lee Drew Trent,  
Bennie Trent and Fannie C. Trent.

Hon. M. A. Hitchcock,

Secretary of the Interior.

Your petitioner, Pleasant Porter, respectfully states that he is a citizen and Principal Chief of the Creek Nation, and as such, it becomes a part of his duties to represent the said nation in all matters of application for citizenship and allotment.

Your petitioner further says, that on or about the 18th of October, 1900, application was made for the enrollment of Chaney Trent, Frank Trent, Mary Trent, Willie Trent, Susie Trent, Lee Drew Trent, Bennie Trent and Fannie C. Trent - And that upon said application and the evidence then adduced, the Secretary of the Interior directed that said parties be enrolled as citizens of the Creek Nation.

Your petitioner further states that since the hearing of the case before the Commission to the Five Civilized Tribes, important and material evidence has come to his knowledge, which is here shown by affidavits of Nellie Prince, Snow Bells, Joseph P. Davidson, Bill Marshall and Jesse Hawkins, hereto attached and made a part of this petition and marked exhibits A, B, C, D & E, respectively.

Your petitioner further states that he has reliable and trustworthy information that numerous additional witnesses can be had in support of the affidavits offered, to-wit: that the enrollment of Dick Adkins, father of Chaney Trent, was a fraud practiced upon the Creek Council, by the corrupt use of money in securing witnesses of identification as evidenced by the affidavit of Nellie Prince.

Wherefore your petitioner respectfully prays that the matter of the enrollment of the said Chaney Trent & others be reopened in order that evidence may be introduced in behalf of the Creek Nation and that upon such rehearing, the names of the said Chaney Trent & others be stricken from the rolls of the Creek Nation.

*O. Perkins.*

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Petitioner.

Department of the Interior,  
Coms. to the five Civilized tribes.

United States of America. }  
Western District, }  
Indian Territory. }

Snow Sells being duly sworn deposes and says, that he is sixty five years of age, and resides in the Indian Territory. That he knew Tom Adkins well, that he first had a child by a woman named Chanacy this child lived to be grown and then died. After that he had a boy named Dick by Millie Marshall, After that he married Louiza Marshall and had by her two girls and one boy, the boy died immediately after being born. After the death of his wife Louiza he had one son by Mary Jane Davis named Lee Adkins who was killed a few years ago. I saw this man who claimed to be the son of Tom Adkins when he came here about 1888. He claimed to be the son of Tom Adkins. I am satisfied he was not. Tom Adkins was full or nearly full blood Indian. This man who called him-self Dick Adkins was a mulatto, a mixture of Negro and white, he did not have the appearances of having any Indian blood. And had no appearances whatever of being the son of Tom. I knew Tom Adkins from a boy, and I never heard him mention having such a son as this Dick Adkins nor never heard him speak of the woman that Dick claimed as his mother. Tom Adkins had a son by the name of Dick Adkins whose mother was Millie Marshall. This son is still living. He is a Creek Indian but lives in the Chichosaw Nation. This is the only Dick Adkins son of Tom Adkins that I ever knew or heard of till this man came here about 1888 and claimed to be the son of Tom Adkins. For twenty five years I have been member of the house of Kings and house of Warriors.

Snow Sells

Subscribed and sworn to before me  
this 13th, day of Sept. 1904.

Edward Marshall

Notary Public.

Department of the Interior,  
Coms. to the Five Civilized tribes.

United States of America. }  
Western District. }  
Indian Territory. }

Bill Marshall after being duly sworn deposes and says, I am 80 years of age. My post office is Chaska Indian Territory. I knew Tom Adkins from child-hood. He first had a child by a woman named Chanacy, which he recognized as his child, this child grew to woman-hood and then died. After that he had a boy by a woman named Millie Marshall. This is the boy Dick Adkins who now lives in the Chickesaw Nation, and is recognized by every one as the son of Tom Adkins. After having the boy by Millie Marshall he (Tom Adkins) married my young mistress Louize Marshall and had by her three children, two girls and one boy, the boy died immediately after being born. After the death of his wife Louiza he had one son by Mary Jane Davis named Lee Adkins. Lee was killed a few years ago. I saw the man Dick Adkins who claimed to be the son of Tom Adkins when he came back here about the year of 1888. I do not believe he was the son of Tom Adkins. He had no resemblance to the son of Tom Adkins. He had no resemblance whatever to him. He did not have the appearance of having any Indian blood, He was a mulatto, a mixture of white and black. I knew Tom Adkins from a boy. I knew all his children and he had only the ones I have named. He always claimed to be the father of the three boys I have mentioned, the one that died when a baby, Lee who was killed a few years ago and Dick who lives in the Chickesaw Nation. The Dick Adkins who came here about the year of 1888 claimed to be the father of Chaney Trent.

---

Subscribed and sworn to before me  
this 13th, day of Sept. 1904.

---

Notary Public.

*The above statement was made by witness to me and did not have opportunity to have same sworn to.*  
*M. A. Mott*  
*Notary*

Department of the Interior,

Commission to the Five Civilized tribes.

United States of America )  
Western District, )  
Indian Territory. )

Jesse Hawkins after being duly sworn deposes and says, that he is seventy five years of age, is a Creek Citizen and lives in the Indian Territory. That he knew Tom Adkins from a boy, and was his companion and associate all during his life. Affiant further swears that he knew the children of Tom Adkins, and all those he claimed as his children, and that he did not have any sons that lived to manhood other than Leo Adkins who was killed a few years ago, and Dick Adkins who now lives in the Chickesaw Nation. He says that he saw the man Dick Adkins the father of Chaney Trent and who claimed to be the son of Tom Adkins, and that he never saw nor heard tell of him till he came to the Territory some time in 1888, That he talked to him, That he had no resemblance to Tom Adkins what-ever and that he was what we call a mulatto, a mixture of white and black. He says Tom Adkins never recognized any son other than the one who died when an infant, Leo Adkins who is dead and Dick Adkins who is now living. Affiant further swears that at the beginning of the war Tom Adkins took his two daughters and the Dick Adkins now living and went South to Texas, and I did not hear of or see Dick till about two years ago. The Dick Adkins now living is a full blood Indian, His mother was Millie Marshall. It is admitted by all that the Dick Adkins now living is the son of Tom Adkins.

---

Subscribed and sworn to before me this 15th, day of Sept. 1904.

---

Notary Public.

*The above statement was made to me and  
did not have opportunity to have same  
sworn to. M. R. Mott  
Notary*



Department of the Interior,  
Commission to the Five Civilized tribes.

United States of America. )  
Western District, )  
Indian Territory. )

Nellie Prince being duly sworn, deposes and says, that she is about seventy years of age, and resides in the Indian Territory, and is a Creek freedman. That she knew Tom Adkins, that he was a full blood Creek Indian. She futher swears that Tom Adkins was intimate with a certain Negro woman who was a state woman, and that when the owner of the woman found out about this intimacy that they sold her to parties in Texas. That the woman was pregnant when she was sold. That she never saw him again. That years afterwards a man came to the country grown and with a family and said that he was Dick Atkins and that he was the son of Tom Atkins. He came to me and said that if I would go before the Council and swear that he was the son of Tom Adkins. I went before the Council and swore that Dick Adkins was a son of Tom. The only means that I had of knowing he was Toms son was what Dick Adkins told me. I never saw Dick Adkins untill he was about Fifty years old. And the woman he claimed to be his mother had had no children when I last saw her. .

*Witness*  
*Marshall Mot Jr*

*Nellie Prince*  
*mark*

Subscribed and sworn to before me this 14th, day of Sept. 1904.

*Edward Mennick*

Notary Public.

Department of the Interior,  
Commission to the Five Civilized tribes.

United States of America. )  
Western District, )  
Indian Territory. )

Joseph P. Davison having been duly sworn deposes and says, that he is fifty nine years of age and a citizen of the Creek Nation. That he knew Tom Adkins well and intimately. He was full blood Indian. Tom Adkins had three sons, on having died when he was an infant, Another Lee Adkins was killed at Cheecota a few years ago. And Dick Adkins who is now living in the Chickasaw Nation. It is admitted by every one that the Dick Adkins now living is the son of Tom Adkins. I lived a close neighbor to Tom untill he died and I never hear him nor any one else say that he had a son other than those I have mentioned, untill a man calling him-self Dick Adkins and claiming to be the son of Tom Adkins and the father of Chaney Trent come here about the year of 1888. I saw this man and talked to him frequently. I do not believe he was the son of Tom Adkins, or any kin to him. He had no appearances of Indian blood. He was what we call a mulatto, a mixture of white and colored. I had a long and full conversation with this man who claimed to be the son of Tom Adkins. He said he had never seen Tom, did not know if he was Indian or colored. Said his mother was dead, did not know who she belonged to. I asked him who told him he was the son of Tom Adkins, he said his mother did not tell him but some of the people here in the Nation. When this man first began to try and establish his rights as a Creek Citizen ( Dick Adkins who now lives in the Chickasaw Nation and whose every one knew was the son of To. Adkins could not be located his father havin taken him South at the beginning of the war) the effort of him-self and some others was to show that he was the son who had been taken south and had not since been accounted for, but when they were confronted with the fact that the Dick who was taken south was a full blood Indian they abandoned that claim, and upon what one he was enrolled I dont know.

*Joseph P. Davison*

Subscribed and sworn to before me this 14th, day of Sept. 1904.

*Edward Munnick*

Notary Public.

APPOINTMENT  
TAMM HENRY  
THOMAS D. NEEDLES  
C. H. HARRINGTON  
W. E. STANLEY

ALLISON L. AYLMERWORTH  
SECRETARY

DEPARTMENT OF THE INTERIOR,  
COMMISSION TO THE FIVE CIVILIZED TRIBES.

REFER IN REPLY TO THE FOLLOWING

Act 6. 78.

ADDRESS ONLY THE  
COMMISSION TO THE FIVE CIVILIZED TRIBES.

Muskogee, S. T., August 10<sup>th</sup> 1903

Received from the Commission to the  
Five Civilized Tribes, one copy of the  
testimony in the matter of the application  
for the enrollment of Chaney, Trent, et al  
as citizens by blood of the Creek  
Nation, for July 23 & 24, 1903.  
Harry B Davis and  
Thomas & Harrison  
attorneys for applicants.

COMMISSIONERS,  
TAMM MINT,  
THOMAS D. NEEDLES,  
C. R. BARNHARTTER,  
W. E. EARLEY.

ALLISON L. AYLESWORTH,  
SECRETARY.

DEPARTMENT OF THE INTERIOR,  
COMMISSION TO THE FIVE CIVILIZED TRIBES.

REFER IN REPLY TO THE FOLLOWING

Aug 6. 78.

ADDRESS ONLY THE  
COMMISSION TO THE FIVE CIVILIZED TRIBES.

Muskogee, S. I., August 10<sup>th</sup> 1903

Received from the Commission to the  
Five Civilized Tribes, one copy of the  
testimony in the matter of the application  
for the enrollment of Chaney, Trent, et al  
as citizens by blood of the Creek  
Nation, for July 23 or 24, 1903.  
Harry S. Davis and  
Thomas & Harrison  
attorneys for applicants.

DEPARTMENT OF THE INTERIOR  
COMMISSION TO THE FIVE CIVILIZED TRIBES  
W. E. STANLEY

ELLISON L. AYLERKORTH,  
SECRETARY

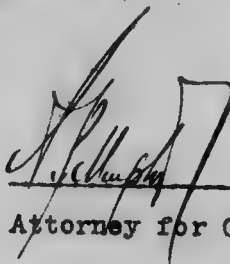
ADDRESS ONLY THE  
COMMISSION TO THE FIVE CIVILIZED TRIBES.

DEPARTMENT OF THE INTERIOR  
COMMISSION TO THE FIVE CIVILIZED TRIBES

ENTER IN REPLY TO THE FOLLOWING
Creek No. 78.

Muskogee, Indian Territory, August 1, 1903.

RECEIVED from the Commission to the Five Civilized Tribes, this 1st day of August, 1903, one copy of the testimony in the matter of the application for the enrollment of Chaney Trent, et al., had on July 23rd and 24th, 1903.

  
\_\_\_\_\_  
Attorney for Creek Nation.

COMMISSIONERS  
TAMM DIXIEY,  
THOMAS B. NEEDLES,  
C. R. BRECKINRIDGE,  
W. E. STANLEY.

ALLISON L. AYLESWORTH,  
SECRETARY.

DEPARTMENT OF THE INTERIOR,  
COMMISSION TO THE FIVE CIVILIZED TRIBES.

REFER IN REPLY TO THE FOLLOWING.

ADDRESS ONLY THE  
COMMISSION TO THE FIVE CIVILIZED TRIBES

Muskogee, Indian Territory, April 22, 1903.

RECEIVED from the Commission to the Five Civilized Tribes,  
this day, one copy of the decision of the Commission and one  
copy of all the testimony had in the matter of the application  
for the enrollment of Chaney Trent, et al., as citizens of the  
Creek Nation.

*A. P. Murphy*  
Attorney for Creek Nation.





Received of the Commission (the Hine  
Civilized Tribes) one copy of the report of the  
Commission to the Department, February 22, 1872;  
one copy, report of Commissioner of Indian  
Affairs, and decision of Department  
in the case of Chancy Hunt et al

June 11, 1872

Harry S. Davis and  
Thomas Foreman  
J.

Departmental letter of April 2, 1904.  
Report of the Commission of February 23, 1904.  
Report of the Commissioner of Indian Affairs of March 24,  
1904.  
Departmental letter of May 7, 1904.  
Testimony in re-hearing.

*M. C. Math*

---

Attorney for Creek Nation.

COPY.

22.

Department of the Interior,

COMMISSION TO THE FIVE CIVILIZED TRIBES

To Leguis Perryman, William McIntosh  
Gabriel Jamison and Anderson Childers

You are hereby summoned to appear before the Commission to the Five Civilized Tribes at

Muskogee

in the Creek

Nation, Indian

Territory, on the 22 day of July 1903, to testify before said Commission

in the matter of the Application for the enrollment of Chaney Trent  
et al as citizens of the Creek Nation

Dated at

this day of

1

(SIGNED)

I. E. Needles.

Commissioner.

COPY.

22.

Department of the Interior,

COMMISSION TO THE FIVE CIVILIZED TRIBES

To J. P. Davidson, Warrior, Keulce and Thomas  
J. Adams

You are hereby summoned to appear before the Commission to the Five Civilized Tribes at

Muskogee

in the

Creek

Nation, Indian

Territory, on the 12 day of July 1903, to testify before said Commission

in the matter of the application for the enrollment of Lehaney  
Trent et al, as citizens of the Creek Nation

Dated at Muskogee this 11 day of July 1903

(SIGNED)

T. B. Needles.

Commissioner.

COPY

Muskogee, Indian Territory, January 20, 1902.

A. P. McKellop, Esq.,

H. C. Reed, Esq.,

Attorneys for the Creek Nation,

Muskogee, Indian Territory.

Gentlemen:

There is herewith enclosed a copy of the decision of the Commission to the Five Civilized Tribes in the matter of the application of Chaney Trent et al for enrollment as citizens of the Creek Nation.

The decision, with a copy of the proceedings had in the case, is this day transmitted to the Secretary of the Interior for his review and decision. The final decision of the Secretary will be made known to you as soon as the Commission is informed of the same.

Yours truly,

T.B.Needles.

Commissioner in Charge.

1 enclosure.  
McK. & R.(40)  
Registered.

COPY

Muskogee, Indian Territory, January 20, 1900.

Benjamin Martin, Jr.,

Attorney for Chaney Trent et al.,

Muskogee, Indian Territory.

Dear Sir:

There is herewith enclosed a copy of the decision of the Commission to the Five Civilized Tribes in the matter of the application of Chaney Trent et al, for enrollment as citizens of the Creek Nation.

The decision, with a copy of the proceedings had in the case, is this day transmitted to the Secretary of the Interior for his review and decision. The final decision of the Secretary will be made known to you as soon as the Commission is informed of the same.

Yours truly,

T.B.Needles.

Commissioner in Charge.

1 enclosure.  
B.M.Jr,  
Registered

COPY

Muskogee, Indian Territory, January 20, 1903.

Chaney Trent,

Wagoner, Indian Territory.

Madam;

There is herewith enclosed a copy of the decision of the Commission to the Five Civilized Tribes in the matter of the application made by you for the enrollment of yourself and your seven minor children as citizens of the Creek Nation.

The decision, with a copy of the proceedings had in the case, is this day transmitted to the secretary of the Interior for his review and decision. The final decision of the Secretary will be made known to you as soon as the Commission is informed of the same.

Yours truly,

T.B.Needles.

Commissioner in Charge.

1 enclosure.  
C.T.  
Registered.



**COPY**

**Muskogee, Indian Territory, January 20, 1902.**

**The Honorable,**

**The Secretary of the Interior.**

**Sir:**

There is herewith transmitted the record of proceedings in the matter of the application of Chaney Trent for the enrollment of herself and her seven minor children as citizens of the Creek Nation, including the decision of the Commission dated May 24, 1901, denying said application.

**Respectfully,**

**T.B.Needles.**

**Commissioner in Charge.**

**Through the Commissioner  
of Indian Affairs.**

**1 enclosure.  
Creek-79**

COMMISSIONERS  
HENRY L. DAWES.  
TANS BIXBY.  
THOMAS E. NEEDLES.  
C. R. BRECKINRIDGE.

ALLISON L. AYLESWORTH.  
SECRETARY.

DEPARTMENT OF THE INTERIOR.  
COMMISSION TO THE FIVE CIVILIZED TRIBES.

REFER IN REPLY TO THE FOLLOWING

(COPY)

Muskogee, Ind.Ter., April 2, 1902.

A. P. McKellop, Esq.,

H. C. Reed, Esq.,

Attorneys for the Creek Nation,

Muskogee, Indian Territory.

Gentlemen:

You are hereby advised that the Secretary of the Interior, under date of March 6, 1902, affirmed the decision of the Commission, dated May 24, 1901, denying the application made by Chaney Trent for the enrollment of herself, and her seven minor children, Frank, Mary, Willie, Susie, Lee Drew, Benny and Fannie C. Trent, as citizens of the Creek Nation.

Yours truly,

C. R. BRECKINRIDGE.  
Commissioner in Charge.

Creek-78.

OCH.

COMMISSIONERS  
HENRY L. DAWES.  
TAMM BIXBY.  
THOMAS B. NEEDLES.  
C. R. BRECKINRIDGE.

ALLISON L. AYLESWORTH.  
SECRETARY.

DEPARTMENT OF THE INTERIOR.  
COMMISSION TO THE FIVE CIVILIZED TRIBES.

(COPY)

REFER IN REPLY TO THE FOLLOWING

Muskogee, Ind.Ter., April 2, 1902.

Mrs. Chaney Trent,

Wagoner, Ind.Ter.

Dear Madam:

You are hereby advised that the Secretary of the Interior, under date of March 6, 1902, affirmed the decision of the Commission, dated May 24, 1901, denying your application for the enrollment of yourself and seven minor children, Frank, Mary, Willie, Susie, Lee Drew, Benny and Fannie C. Trent, as citizens of the Creek Nation.

Yours truly,

C. R. BRECKINRIDGE.  
Commissioner in Charge.

Creek-78.

OCH.

COMMISSIONERS  
HENRY L. DAWES.  
TAMS PIXBY.  
THOMAS B. NEEDLES.  
C. R. BRECKINRIDGE.

ALLISON L. AYLESWORTH.  
SECRETARY.

DEPARTMENT OF THE INTERIOR.  
COMMISSION TO THE FIVE CIVILIZED TRIBES.

REFER IN REPLY TO THE FOLLOWING

(COPY)

Muskogee, Ind.Ter., April 2, 1902.

Benj. Martin, Jr., Esq.,

Attorney for Chaney Trent,

Muskogee, Indian Territory.

Dear Sir:

You are hereby advised that the Secretary of the Interior, under date of March 6, 1902, affirmed the decision of the Commission, dated May 24, 1901, denying the application made by Chaney Trent for the enrollment of herself, and her seven minor children, Frank, Mary, Willie, Susie, Lee Drew, Benny and Fannie C. Trent, as citizens of the Creek Nation.

Yours truly,

C. R. BRECKINRIDGE.  
Commissioner in Charge.

Creek-78.

OCH.

COMMISSIONERS  
HENRY L. DAWES.  
TAMM BIXBY.  
THOMAS B. NEEDLES.  
C. R. BRECKINRIDGE.

ALLISON L. AYLESWORTH.  
SECRETARY

DEPARTMENT OF THE INTERIOR.  
COMMISSION TO THE FIVE CIVILIZED TRIBES.

REFER IN REPLY TO THE FOLLOWING

(COPY)

Muskogee, Ind.Ter., April 5, 1902.

W. H. Twine, Esq.,

Attorney for Chaney Trent et al,

Muskogee, Indian Territory.

Dear Sir:

You are hereby advised that the Secretary of the Interior, under date of March 6, 1902, affirmed the decision of the Commission, dated May 24, 1901, denying the application made by Chaney Trent for the enrollment of herself and her seven minor children, Frank, Mary, Willie, Susie, Lee Drew, Benny and Fannie C. Trent, as citizens of the Creek Nation.

Yours truly,

C. R. BRECKINRIDGE.  
Commissioner in Charge.

Creek-78.

OCH.

C\_O\_P\_Y

DEPARTMENT OF THE INTERIOR.

CMR.

ITD.1424,7095-1902.

WASHINGTON.

November 18, 1902.

LRS.

Commission to the Five Civilized Tribes,  
Muskogee, Indian Territory.

Gentlemen:

There is inclosed herewith the petition of  
Chaney Trent for herself and minor children for a rehearing  
in the matter of their application for enrollment as Creek  
citizens, the subject of departmental decision of March 6, 1902.

Copies of the papers have not been served upon the  
attorney for the Creek Nation, but as the Department desires  
from you a report and recommendation in the matter, the  
papers are transmitted for that purpose, with instructions to  
allow the attorney for the Nation to be heard as to such motion.

Respectfully,

Thos. Ryan.

Acting Secretary.

2 inclosures.

COPY

Creek Enrollment  
Case No. 78.

Muskogee, Indian Territory, November 26, 1902.

A. P. McKellop, Esq.,

H. C. Reed, Esq.,

Attorneys for the Creek Nation,

Muskogee, Indian Territory.

Gentlemen:

The Commission is in receipt of a letter from Honorable Thos. Ryan, Acting Secretary of the Interior, under date of November 18, 1902, relative to the petition of Chaney Trent for herself and her minor children for a rehearing in the matter of their application for enrollment as Creek citizens, the subject of Departmental decision of March 6, 1902.

The Commission is advised that copies of the papers in the matter of the petition for a rehearing have not been served upon the attorneys for the Creek Nation, but as the Department desires report and recommendation in the matter, the papers were transmitted to the Commission for that purpose, with instructions to allow the attorneys for the nation to be heard as to such petition.

You are accordingly notified that the petition and affidavits in support of same are in the office of the Commission



subject to your examination and inspection, and that you will be  
given twenty days from the date hereof to make such answer to the  
petition as may be desired.

Respectfully,

Acting Chairman.

Registered.

subject is your examination and inspection, and that you will be  
given twenty days from the date hereof to make such answer to the  
petition as may be desired.

Respectfully,

Acting Chairman.

Registered.

C O P Y

Creek Enrollment  
Case No. 78.

Muskogee, Indian Territory, December 17, 1902.

The Honorable,

The Secretary of the Interior.

Sir:

The Commission is in receipt of Departmental letter of the 18th ultimo (ITD.1424, 7095-1902), inclosing the petition of Chaney Trent for herself and minor children for a rehearing in the matter of their application for enrollment as citizens of the Creek Nation, subject of Departmental decision of March 6, 1902.

It appears that the attorneys for the Creek Nation were not served with copies of the petition and proof in support thereof, and the Commission was instructed to allow said attorneys to be heard as to said petition, and make report and recommendations in the matter.

The Commission has the honor to report that it did, on November 26, 1902, notify Messrs. A. P. McKellop and H. C. Reed, attorneys for the Creek Nation, that the petition and affidavits in support of same, above referred to, were in its office subject to their examination and inspection and that they would be given twenty days from the date thereof to make such answer to the petition as might be desired.

The Commission has the honor to further report that the answer of the Creek Nation, through its attorneys, was filed with

2 Secretary.

with this office on the 14th instant, and after a careful examination of the petition, the answer thereto and the rolls and records of the Creek Nation now in the possession of the Commission, it is found that the record and finding of the Commission in the application made to this Commission by Chaney Trent for the enrollment of herself and minor children, as citizens of the Creek Nation, sets forth all the facts touching her citizenship, as a citizen of said nation, and it is therefore the opinion of this Commission that its decision, dated May 24, 1901, and the action of the Department, of March 6, 1902, affirming same, should be allowed to stand, and it is so recommended.

The petition of Chaney Trent and affidavits in support of same, together with the answer of the Creek Nation, are herewith inclosed.

Respectfully,

\_\_\_\_\_  
Acting Chairman.

Through the Commissioner  
of Indian Affairs.

\_\_\_\_\_  
Commissioner.

OCH-65.

\_\_\_\_\_  
Commissioner.

Refer in reply to the following:

Land,  
14,386-1902,  
21-1903.

(Copy)

## Department of the Interior,

OFFICE OF INDIAN AFFAIRS.

WASHINGTON, Jan. 21, 1903.

The Honorable

The Secretary of the Interior.

Sir:

Referring to Department letter of December 6, 1902, -- I.T.D. 1424, 1902 -- approving the Department's decision adverse to the application of Caney Trent for the enrollment of herself and her minor children as citizens of the Creek Nation, and to Department letter of November 18 last, -- I.T.D. 1424 - 1902 -- forwarding to the commission the petition of Caney Trent requesting a rehearing in the matter of the application for the enrollment of herself and minor children as citizens of the Creek Nation, there is enclosed, herewith, a report from the Commission to the Five Civilized Tribes, dated December 17, 1902, relative to the same subject.

The Commission states that on November 26, 1902, the attorneys for the Creek Nation were notified that the petition and affidavits in support of the same were in the commission's office subject to their examination and inspection; that they would be given twenty days from said date to make answer to the petition; that the attorneys for the Creek Nation filed answer to said petition on December 14, and the commission

21424

Department of the Interior,  
RECEIVED.

JAN 22 1903

Enc. No. 7  
Indian No. 594

File No. 594  
Section 594

-2-

recommends that Department action of March 6 last be allowed to stand.

The petition of Caney Trant received with the Commission's report, and the record in the case, are enclosed herewith.

Very respectfully,

(G.A.W.)

W.A. Jones,  
Commissioner.

P.





*J. H. H.*

DEPARTMENT OF THE INTERIOR.  
WASHINGTON.

**FILE**

I.T.D. 1424-1902.  
604-1903.

April 4, 1903.

*[Handwritten signature]*

Commission to the Five Civilized Tribes,  
Muskogee, Indian Territory.

Gentlemen:

December 17, 1902, you transmitted the petition of Chaney Trent, et al., Case No. 78, for a rehearing in the matter of their application for enrollment as Creek citizens, together with the argument and affidavits relating thereto, and recommended that your decision of May 24, 1901, denying the application of said parties, and the decision of the Department dated March 6, 1902, approving your action, be allowed to stand.

There are certain questions of fact relating to this case which cannot be satisfactorily determined from the record as it now stands; there are also certain questions of law presented in this case, which the Department finds it impossible to answer with any degree of certainty by reference to any copy or statements of the tribal law now in its possession.

It is noted that there is no evidence showing where Chaney Trent was born, nor how many years she resided beyond the limits of the Indian Territory prior to the year 1890. It is necessary that these inquiries be answered in order to determine whether the provisions of section 295 of the Creek law book of the year 1893 are applicable to her, inasmuch as the said section declares that those persons who are entitled to claim Creek citizenship by blood are thereafter to be considered as aliens if they were born "beyond the limits of the Indian Territory", and "have resided continuously beyond or outside of the jurisdictional limits of the Muskogee Nation for the period of twenty-one years."

It seems that by act of the Council of the Creek Nation approved October 21, 1890, Richard Atkins, who was the father of Chaney Trent, was "declared a citizen of the Muskogee Nation by reason of Creek blood." Said act mentions no other person, but, it is strenuously urged by the claimants, and their contention is substantiated by the affidavits of a number of men who, by reason of their age and experience in public affairs in the Creek Nation, should be able to furnish testimony of value in reference to the matter, that where a man was declared a citizen by an act of the National

Council, his descendants, if residing in the Creek Nation at the time of said act, were also recognized as citizens, even though their names were not mentioned in the act admitting their ancestor. In this connection your attention is directed to the statement made by you in your report of January 31, 1902, which reads as follows:

"The commission finds further that it has been the custom of the Creek Nation to hold that the adoption or admission of a person to citizenship does not confer any rights or privileges upon descendants theretofore born, unless said descendants are designated in the act or decree of adoption either by name or in general terms."

It is noted that you do not furnish the testimony of the witnesses upon whose evidence the above statement is predicated, nor do you show that said statement has the sanction of any tribal court. It is therefore desired that you ascertain whether the custom, as indicated by you, prevailed in cases where the children of the person named in the act of the National Council, were residents of the Nation at the date of said act, and also whether any exceptions were made in those cases where the children were themselves the heads of families.

Referring again to said report of January 31, 1902, it is found that you also state:

"It has been the unwavering custom of the Creek Nation, in adopting or admitting persons to citizenship, to grant them all the rights, privileges and immunities of original members of the tribe (Creek Laws of 1892, page 103), and to apply to their ~~descendants~~ ~~thereafter~~ ~~born~~ the same laws, usages and customs relating to citizenship as were applied to original members of the tribe."

In connection with the paragraph quoted immediately above, it is desired that you ascertain whether the Creek law as enunciated by the tribal authorities would permit the enrollment of these children of Chaney Trent who were born subsequent to the act of 1890, referred to above, by reason of their being descendants of Richard Atkins, whose name appears therein.

Your opinion is also desired as to whether the children referred to above, viz: those born subsequent to the act of 1890, are entitled to enrollment as Creek citizens because of that provision of section 21 of the Curtis Act, which provides that

"Said Commission is authorized and directed to make correct rolls of the citizens by blood of all the other tribes, eliminating from the tribal rolls such names as may have been placed thereon by fraud or without authority of law, enrolling such only as may have lawful right thereto, and their ~~descendants~~ ~~born~~ ~~since~~ ~~such~~ ~~rolls~~ ~~were~~ ~~made~~, with such intermarried white persons as may be entitled to Cherokee and Chickasaw citizenship under the treaties and the laws of said tribes."

In view of the possibility that the investigation hereinbefore provided for may result in the conclusion that these applicants, or part of them, were entitled to enrollment because of the act which declared Richard Atkins to be a citizen of the Creek Nation, it becomes necessary to make inquiry relative to the act of the Committee of Eighteen, referred to in your decision. In reference to said Committee you state:

"Upon examination of the rolls and records of the Creek Nation now in the possession of this Commission, it is found that the names of the said Chaney Trent and three of her said children, Frank, Willie and Lee Trent, appear upon the list of persons reported stricken from the Creek tribal rolls by the Citizenship Committee of the Creek Council, under the provisions of the act of Council, approved May 16, 1896, and that the report of said Committee was adopted by Act of said Council, approved June 8, 1896."

The Department desires to know, in connection with the report of said Committee of Eighteen, whether the approval by the National Council of the report submitted to it by said Committee, constituted a final adjudication of the citizenship rights of the persons whose names appear thereon. Your opinion in this respect is particularly desired, as well as the rulings of the United States Court and of the Colbert Commission in cases where that point is involved. This inquiry seems necessary in consideration of the provisions

of sections 140, 152, 153, 154, 155, 174 and 180 of the Creek Law book covering the years 1893 to 1896, inclusive.

It is also desired that you ascertain whether the name of Chaney Trent and the names of her children appear upon the list reported by the Committee of Eighteen, when it was finally approved by the National Council; also, if said names were stricken from the Arkansas Colored Town roll because of the transfer from that roll to the Indian town of Cheyenne, as shown by the record; also whether said names were retained on the latter roll after the act of June 8, 1895, approving the report of the Committee of Eighteen.

Your attention is directed to the fact that the testimony contained in the record shows that the Colbert Commission, in investigating the rolls of the Creek Nation, inquired why the names of Chaney Trent and the names of her children were placed upon the roll of the town of Cheyenne; that they were furnished with the reasons for such enrollment, as heretofore stated, and that they expressed themselves as satisfied with the roll as it then stood. In this connection, it is desired that you ascertain whether the rolls

of the Creek Nation as prepared by the Colbert Commission constitute a list of persons whose rights were ascertained by judicial authority; also whether said roll as prepared by the Colbert Commission was approved by an act of the National Council, and if so, whether the terms of the act of approval were such as to constitute a collective recognition of the rights of citizenship of the persons whose names appear thereon.

It is also desired that you ascertain whether the names of Chaney Trent and her children were contained in the list so approved by the National Council.

From the affidavit of Harry G. Davis, filed in connection with the case, it seems that there is a census roll of the Creek Nation, now in the custody of the Principal Chief, and that the name of Chaney Trent and the names of her children are found thereon, as recognized citizens of the Creek Nation. In reference to this census roll of 1896, it is desired that you ascertain in what manner and under what authority it was made.

Lastly, your opinion is also desired as to what effect the legislation enacted subsequent to the Curtis Act,



has upon the rights, if any they have, of these applicants, or part of them, to enrollment as Creek citizens.

In reporting in this case the Department desires your opinion upon the questions presented, and that you take the testimony of the persons whose affidavits have been filed in connection with the case, as well as that of such other responsible persons as you may deem necessary, and that you furnish the rulings of the United States and tribal courts touching the points involved.

The case is herewith remanded for a rehearing in accordance with the suggestions herein contained.

In advising the applicants' attorneys hereof it is desired that you inform them as to the questions to be investigated as herein provided.

The record in the case, a copy of the Commissioner's letter of January 21, 1903, together with petition for rehearing, two affidavits, and the replies of attorneys for the applicants and the Creek Nation in the matter, are inclosed herewith.

Respectfully,

7 inclosures.

*Shosky*  
Acting Secretary.

INDEXED.

U. S. DEPARTMENT OF JUSTICE	
No.	Received
1903	APR 22 1903

Department,  
Ryan,

Washington, D. C.  
April 22, 1903

Remands case involving the  
application of Chaney, Trent  
et al., for enrollment as  
Creek citizens, for rehear-  
ing.

Investigation on record was held.

Report of Special Agent in Charge of the Creek Reservation was received.

It is suggested the application be referred to the Commission for their consideration.

The case is hereby referred to the Commission for their consideration.

The case is hereby referred to the Commission for their consideration.

Copy of the report of the Special Agent in Charge of the Creek Reservation is hereby forwarded to the Commission for their consideration.

Very respectfully,  
Special Agent in Charge of the Creek Reservation

Official Record of the Department of Justice, Washington, D. C., April 22, 1903.

has upon the rights, if any they have, of these applicants, or part of them, to enrollment as Creek citizens.

In reporting in this case the Department desires your opinion upon the questions presented, and that you take the testimony of the persons whose affidavits have been filed in connection with the case, as well as that of such other responsible persons as you may deem necessary, and that you furnish the rulings of the United States and tribal courts touching the points involved.

- The case is herewith remanded for a rehearing in accordance with the suggestions herein contained.

In advising the applicants' attorneys hereof it is desired that you inform them as to the questions to be investigated as herein provided.

The record in the case, a copy of the Commissioner's letter of January 21, 1903, together with petition for rehearing, two affidavits, and the replies of attorneys for the applicants and the Creek Nation in the matter, are inclosed herewith.

Respectfully,

7 inclosures.

*Shaw*  
Acting Secretary.

70  
Hearings, Indian Territory, April 22, 1903.

A. P. Murphy,

National Attorney for Creek Nation,  
Hearings, Indian Territory.

Sir:

By letter of April 4, 1903, the Department remanded, for a rehearing, the case of Gurney Trent, et al., applicants for enrollment as citizens of the Creek Nation. A copy of said letter is inclosed.

When the case is set for rehearing, you will be notified of the time and place thereof.

Respectfully,

Chairman.

OCH-99.

Creek No. 78.

Muskogee, Indian Territory, April 22, 1903.

Harry G. Davis, and  
Thomas A. Harrison,

Attorneys for Chaney Trent, et al.,  
Muskogee, Indian Territory.

Gentlemen:

By letter of April 4, 1903, the Department remanded, for a rehearing, the case of Chaney Trent, et al., applicants for enrollment as citizens of the Creek Nation. A copy of said letter is inclosed.

When the case is set for rehearing, you will be notified of the time and place thereof.

Respectfully,

Chairman.

OOH-98.

COMMISSION TO FIVE TRIBES.			
NO.	Received	ANSWERED	
11026	APR 27 1903	Book	Page
1903			

Murphy, A. P.,  
 Muskogee, I. T.,  
 April 27, 1903.

Encloses protest of Creek  
 Nation in matter of appli-  
 cation for enrollment of  
 Chaney Trent, et al.

CREEK ENROLLMENT;

**MUSKOGEE NATION,**  
**A.P. MURPHY,**  
NATIONAL ATTORNEY.

Muskogee, Indian Territory, April 27, 1903.

Commission to the Five Civilized Tribes,

Muskogee, Indian Territory.

Gentlemen:

I herewith enclose Protest of the Creek Nation in the matter of the application of Chaney Trent et al, for enrollment as citizens of the Creek Nation. Not knowing the applicants' attorney nor their address I enclose a carbon copy of the same.

Very truly,

  
National Attorney.



Copy

Creek No. 78.

Muskogee, Indian Territory, May 7, 1903.

The Honorable,

The Secretary of the Interior.

Sir:

April 4, 1903, the Department remanded, for a rehearing, the case of Chaney Trent, et al., Case No. 78, applicants for enrollment as citizens of the Creek Nation (I.T.D. 1424-1902, and 594-1903).

April 29, 1903, the attorney for the Creek Nation filed a protest against any further action in the matter of said application. Said protest is inclosed herewith for Departmental consideration.

Respectfully,

Chairman.

Through the Commissioner  
of Indian Affairs.

OCH-15.

DEPARTMENT OF THE INTERIOR.

WASHINGTON.

I.T.D. 1424-1902.  
4490-1903.

J.P.  
May 26, 1903

IRS

Commission to the Five Civilized Tribes,  
Muskogee, Indian Territory.

Gentlemen:

April 4, 1903, the Department ordered a rehearing in the matter of the application of Chaney Trent, et al., for enrollment as citizens of the Creek Nation.

May 7, 1903, you transmitted the protest by the attorney for the Nation "against any further action being taken" in accordance with such order of the Department.

While the Nation has not been made a party directly to Creek citizenship enrollment cases, it has always been permitted through attorney to participate in such proceedings when such attorney deemed it advisable to do so, but the Department has never recognized the right of the Nation to interfere by protest or otherwise with proceedings under its directions. The order of rehearing in such cases rests entirely in the discretion of the Department, and in the

absence of any evidence showing conclusively an abuse of this discretion, protests by the Nation to the action of the Department will not be entertained. No such showing has been made in this case. The Department desires certain information which necessitated the rehearing, and must therefore decline to rescind its order of April 4, 1903. The Nation can not be wronged by a full investigation of the question involved. You are therefore directed to advise the attorney in accordance herewith, and to proceed with the rehearing with as little delay as practicable.

Respectfully,

Thos Ryan

Acting Secretary.

Copy

J. J. D.

Creek No. 72.

Muskogee, Indian Territory, June 1, 1903.

A. P. Murphy,

National Attorney for Creek Nation,  
Muskogee, Indian Territory.

Sir:

April 4, 1903, the Department ordered a rehearing in the matter of the application of Chaney Trent, et al., for enrollment as citizens of the Creek Nation.

May 6, 1903, you filed a protest against any further action being taken in the case, and said protest was transmitted to the Department, May 7.

By letter of May 21, 1903, the Department advises that the protest of the Creek Nation will not be entertained. A copy of said letter is herewith inclosed.

Respectfully,

Commissioner in Charge.

OCH-11.

Copy

2713

Creek No. 78.

Muskogee, Indian Territory, June 1, 1903.

Harry O. Davis, and

Thomas & Harrison,

Attorneys for Chaney Trent, et al.,

Muskogee, Indian Territory.

Gentlemen:

April 4, 1903, the Department ordered a rehearing in the matter of the application of Chaney Trent, et al., for enrollment as citizens of the Creek Nation.

May 6, 1903, the attorney for the Creek Nation filed a protest against any further action being taken in the case, and said protest was transmitted to the Department, May 7.

By letter of May 21, 1903, the Department advises that the protest of the Creek Nation will not be entertained.

Respectfully,

Commissioner in Charge.

Copy

2973

Creek No. 78.

Muskogee, Indian Territory, June 2, 1903.

Chaney Trent,

Wagoner, Indian Territory.

Dear Madam:

April 4, 1903, the Department remanded for rehearing the matter of the application for the enrollment of yourself and your seven minor children as citizens of the Creek Nation.

In accordance with the instructions contained in said Departmental letter, you are notified that on June 23, 1903, the Commission at its office in Muskogee, Indian Territory, will hear such evidence in the case as may be offered by you or on your behalf. The Creek Nation will, at the same time and place, be permitted to submit evidence in the case.

Respectfully,

Commissioner in Charge.

Register.

Copy

2973  
Creek No. 78.

Muskogee, Indian Territory, June 2, 1903.

A. P. Murphy,

National Attorney for Creek Nation,  
Muskogee, Indian Territory.

Dear Sir:

April 4, 1903, the Department remanded for a rehearing the matter of the application of Chaney Trent et al. for enrollment as citizens of the Creek Nation. A copy of the Department's letter was inclosed in Commission's letter to you of April 21, 1903.

In accordance with instructions contained in said Departmental letter, you are notified, that on June 23, 1903, the Commission, at its office in Muskogee, Indian Territory, will hear such evidence in the matter of said application as may be offered by the applicants or in their behalf. The Creek Nation will, at the same time and place, be permitted to submit evidence in the case.

Your attention is called to that portion of the Department's letter in which it is stated, that the testimony of the persons whose affidavits have been filed in connection with the case, is desired, as well as that of other responsible persons.

Respectfully,

Commissioner in Charge.



2973  
Creek No. 78.

Muskogee, Indian Territory, June 2, 1903,

Harry C. Davis, and  
Thomas & Harrison,

Attorneys for Chaney Trent et al.,  
Muskogee, Indian Territory.

Gentlemen:

April 4, 1903, the Department remanded for a rehearing the matter of the application of Chaney Trent et al. for enrollment as citizens of the Creek Nation. A copy of the Department's letter was inclosed in Commission's letter to you of April 21, 1903.

In accordance with instructions contained in said Departmental letter, you are notified, that on June 23, 1903, the Commission, at its office in Muskogee, Indian Territory, will hear such evidence in the matter of said application as may be offered by the applicants or in their behalf. The Creek Nation will, at the same time and place, be permitted to submit evidence in the case.

Your attention is called to that portion of the Department's letter in which it is stated, that the testimony of the persons whose affidavits have been filed in connection with the case, is desired, as well as that of other responsible persons.

Respectfully,

Commissioner in Charge.

Copy

Muskogee, Indian Territory, July 1, 1903.

The Honorable,

The Secretary of the Interior.

Sir:

June 3, 1903, the Commission received a communication from A. P. Murphy, attorney for the Creek Nation, in which he gives his views as to his duties as such attorney. He asks that his duties be defined.

A copy of said letter is herewith transmitted for Departmental consideration.

Respectfully,

Chairman.

Through the Commissioner  
of Indian Affairs.

OCH-5.

Copy

2913

Creek No. 78.

Muskogee, Indian Territory, July 3, 1903.

Chaney Trent,

Wagoner, Indian Territory.

Dear Madam:

June 2, 1903, you were advised that, by letter of April 4, 1903, the Department remanded for rehearing the matter of the application for the enrollment of yourself and your seven minor children, as citizens of the Creek Nation.

In accordance with the instructions contained in said Departmental letter, you were notified that on June 23, 1903, the Commission, at its office in Muskogee, Indian Territory, would hear such evidence in the case as might be offered by you or on your behalf, and that the Creek Nation would, at the same time, and place, be permitted to submit evidence in the case.

The office of the Commission not being open for the transaction of business on the day set for the rehearing, you are now notified that on July 23, 1903, the Commission, at its office in Muskogee, Indian Territory, will hear such evidence in the case as may be offered by you or on your behalf. The Creek Nation will, at the same time and place, be permitted to submit evidence in the case.

Respectfully,

Register.

Commissioner in Charge.

Copy

J. H. B.

Creek En. 78.

Muskogee, Indian Territory, July 3, 1903.

A. P. Murphy,

National Attorney for Creek Nation,

Muskogee, Indian Territory.

Dear Sir:

June 2, 1903, you were advised that, by letter of April 4, 1903, the Department remanded for rehearing the matter of the application for the enrollment of Chaney Trent, et al., as citizens of the Creek Nation.

In accordance with the instructions contained in said Departmental letter, you were notified that on June 23, 1903, the Commission, at its office in Muskogee, Indian Territory, would hear such evidence in the case as might be offered by the applicants or on their behalf, and that the Creek Nation would, at the same time and place, be permitted to submit evidence in the case.

The office of the Commission not being open for the transaction of business on the day set for rehearing, you are now notified that on July 23, 1903, the Commission, at its office in Muskogee, Indian Territory, will hear such evidence in the case as may be offered by said applicants or on their behalf. The Creek Nation will, at the same time and place, be permitted to submit evidence in the case.

Respectfully,

Commissioner in Charge.

Copy

2813

Creek No. 78.

Muskogee, Indian Territory, July 3, 1903.

Harry G. Davis, and

Thomas & Harrison,

Attorneys for Chaney Trent, et al.,

Muskogee, Indian Territory.

Gentlemen:

June 2, 1903, you were advised that, by letter of April 4, 1903, the Department remanded for rehearing the matter of the application for the enrollment of Chaney Trent, et al., as citizens of the Creek Nation.

In accordance with the instructions contained in said Departmental letter, you were notified that on June 23, 1903, the Commission, at its office in Muskogee, Indian Territory, would hear such evidence in the case as might be offered by the applicants or on their behalf, and that the Creek Nation would, at the same time and place, be permitted to submit evidence in the case.

The office of the Commission not being open for the transaction of business on the day set for rehearing, you are now notified that on July 23, 1903, the Commission, at its office in Muskogee, Indian Territory, will hear such evidence in the case as may be offered by said applicants or on their behalf. The Creek

2 Harry G. Davis, and Thomas A. Harrison.

Nation will, at the same time and place, be permitted to submit evidence in the case.

Respectfully,

Commissioner in Charge.

Copy

8918

Creek En. 78.

Muskogee, Indian Territory, July 11, 1903.

A. P. Murphy,

National Attorney for Creek Nation,  
Muskogee, Indian Territory.

Sir:

April 22, 1903, you were advised that by letter of April 4, 1903, the Department remanded for rehearing the case of Chaney Trent, et al., applicants for enrollment as citizens of the Creek Nation. A copy of said Department letter was transmitted to you.

July 3, 1903, you were advised that the case had been set for rehearing on July 23, 1903.

In its letter of April 4, 1903, the Department said: "In reporting in this case, the Department desires . . . that you take the testimony of the persons whose affidavits have been filed in connection with the case."

The affidavits of J. P. Davidson, Warrior Renty and Thomas J. Adams, have been filed in the case, apparently on the part of the Creek Nation. There is inclosed herewith an original subpoena for said affiants and three copies thereof, requiring them to appear before the Commission on the day set for the rehearing, and you are requested to have said subpoena properly served.

Respectfully,

OCH-82.

Commissioner in Charge.



**MUSKOGEE NATION.**

**A.P. MURPHY,**  
NATIONAL ATTORNEY.

Muskogee, Indian Territory, July 21, 1903.

Commission to the Five Civilized Tribes,  
Muskogee, Indian Territory.

Gentlemen:

Creek En. 78. In the matter of the application of Chaney Trent for enrollment of herself and her seven minor children as citizens of the Creek Nation.

On April 4th, 1903, the Department ordered a re-hearing in this case. On May 6th, a protest was filed by the Creek Nation against any further action being taken in the case. On May 21st, 1903, the Department advised that the protest of the Creek Nation would not be entertained and advised you that the Creek Nation "has always been permitted through their attorney to participate in proceedings, when such attorney deemed it advisable to do so". On June 2, 1903, I was notified that on June 23, the Commission would hear such evidence as might be offered in this case. On July 3rd, I was again notified that the Commission, not being open for the transaction of such business, this case was again set for hearing on July 23, 1903.

As the Creek Nation views this case, you are now seeking to hear evidence upon the customs and usages of the Creek Nation. In the matter now at issue, the customs and usages, have nothing whatever to do with this case. If this was an original application for citizenship, we respectfully submit under the law that such evidence would have a material bearing. But in a transaction of this kind and character, where it is sought to enroll her for property rights, she never having been admitted or recognized as a citizen, it is foreign to the issue, immaterial and irrelevant, and does not entitle her to any rights what-ever. It is also contended that the Creek Tribal authorities had not authority to strike Chaney Trent and three of her children from the rolls without first giv-

2Commission.

ing her notice. The Creek Nation takes the position that the matter of citizenship is and was at all times mentioned in this case a political right. On May 25, 1895 the Tribal government of the Creek Nation was in full force and effect. The National Council had and was the only power that could confer citizenship or deny it. Jurisdiction was absolutely vested in them by their laws and they had the exclusive right to determine those questions. Under and by virtue of such authority, they did determine this matter by striking these people from the Rolla. There was no authority of law for any appeal to the United States Authorities, nor has any law been subsequently passed giving the United States or any of its authorities the right to review their action, in fact, their action was final and can not now nor could it at that or any other time, be reviewed by any tribunal, except the National Council and it now has not such authority.

The only remedy the applicant herein had, was by applying for citizenship under the Act of June 10th, 1896. This she failed to do with in the time required, nor has she made any application under any subsequent law, which was absolutely essential, without exception or exemption. We respectfully submit that you are not now sitting as a citizenship tribunal. You have no authority to adopt citizens into the Creek Nation. The law provides that you now make a roll of citizens entitled to property rights. The law lays down the qualifications for those that should be placed upon these rolls. This applicant nor any of her children come within the scope of the law. The evidence in the case discloses that Richard Atkins was the father of Chaney Trent, this applicant. That he was admitted or adopted by the National Council in 1890. At the time of his application and adoption, Chaney Trent was twenty-seven years of age and the head of a family, thus certainly the adoption of the father

3Commission.

would have no application nor effect her and this is the first instance that the Creek Nation has ever heard that such has been contended as being the law. If she was a minor at the time of the adoption of her father, there might be room for contention.

It is also contended that the Department desires evidence where Chaney Trent was born and how many years she lived beyond the limits of the Territory prior to 1890. We submit that such evidence as this can only have the effect of encumbering the record. The evidence of Tackey Grayson shows that Richard Atkins was an alien and had to be admitted by the Creek Council. His being an alien, his children were also aliens and they can have no greater rights than that of the father. He was on none of the rolls and never was recognized prior to 1890 and the recognition of his children (they being minors of course and which is not the case of Chaney Trent), would only date from that time, but Chaney Trent having reached her majority, at that time and the head of a family, she would also have to be admitted.

Therefore the Creek Nation contends that in making the final roll of citizens entitled to participate in the distribution of these lands, none but citizens with the necessary legal qualifications are entitled to participate. The customs and usages of the Creek Nation are not legal qualifications at this time and never have been except when admitted to citizenship under the law, which is not in force at this time. That the National Council had the absolute and exclusive control over its citizens in 1895 and had the exclusive right and authority to strike from the rolls any person it saw fit and that the Commission to the Five Civilized Tribes, nor the Department of the Interior nor any other United States authority has any right whatever at this time to review their action whether with or without notice. That the admission of the father, Richard Atkins in 1890 when the applicant was twenty-seven years of age

4 Commission.

and head of a family has no bearing upon the case and did not admit her.

Under the circumstances, and it being decided that it is a matter of discretion with the Department in allowing the attorney for the Nation to appear in the matter, I as such attorney do not desire to participate in the proceedings in this case as I do not "deem it advisable so to do". I do, however, ask that this be made a part of the record as a protest from the Nation against the assumption of authority not warranted by law.

Respectfully,

  
National Attorney.

C O P Y .

J. P.

J.W.H.  
MAF.

DEPARTMENT OF THE INTERIOR.

ITD.5794-1903.

Washington. July 30, 1903.

Commission to the Five Civilized Tribes,  
Muskogee, I. T.

Gentlemen:

The Department is in receipt of your letter of July 1, 1903, inclosing a communication from A. P. Murphy, attorney for the Creek Nation, in which he gives his views as to his duties as such attorney, and asks that his duties be defined. He also takes exception to the ruling of the Department of May 21, 1903, in reference to his protest against the rehearing which was ordered April 4, 1903, in the matter of the application of Chaney Trent et al. (Creek case No. 78), for enrollment as Creek citizens.

In said letter of May 21, 1903, it was held: "The ordering of rehearing in such cases rests entirely in the discretion of the Department."

Apparently, as attorney of the Creek Nation, Mr. Murphy understands when, where, and in what way he is to represent that nation. It is therefore unnecessary for the Department to undertake to indicate in every possible instance that may arise what his duties will be.

As to the matter to which he refers, namely, departmental action in reference to his protest concerning the Chaney Trent case,

it is sufficient to say that the Department's views relating to the matter are clearly indicated in said letter of May 21, 1903.

Respectfully,

THOS. RYAN,

Acting Secretary.

(COPY)

1-480

J.P.

UNITED STATES

OF AMERICA.

DEPARTMENT OF THE INTERIOR,

Washington, D. C., August 4, 1903.

PURSUANT to Section 882 of the Revised Statutes, I hereby certify that the annexed copy of an affidavit of Mary Chissoe and Willie Chissoe, her husband, in the matter of the allotment of Mary Chissoe, protesting against the approval of deed to Guy Bowman, is a true and literal exemplification.

IN TESTIMONY WHEREOF, I have hereunto subscribed my name, and caused the seal of the Department of the Interior to be affixed, the  
(Seal) day and year first above written.

(Signed) Thos Ryan  
Acting Secretary of the Interior

-- (Copy) --

Coweta, Indian Territory, June 8, 1903.

In the matter of the allotment :  
of Mary Chissoe, Creek Nation, : Protest against the approval  
Indian Territory. : of deed.

Your Protestant respectfully represents unto the Honorable, the Secretary of the Interior,

I am a duly enrolled citizen of the Creek Nation; I have had allotted to me the Southeast quarter of Section eighteen, Township seventeen North, Range sixteen East, - 160 acres of land in the Creek Nation.

On the 2nd. day of August, 1902, one Guy Bowman- through his Agent W.S. Fears- a white man, applied to me to purchase my said allotment for Townsite purposes; representing to me and to my husband, Willie Chissoe, that he, Bowman, and his associates either had already or were at once going to, organize a Townsite Company to be called the Arkansas Valley Townsite Company; that they had great influence with the Chief, General Porter; with the Indian Agent Colonel Shoenfelt; with the Commission to the Five Civilized Tribes- commonly called the Dawes Commission, and with the Secretary of the Interior, and unless I would agree to sell him, Bowman, my allotment of 160 acres of land for \$3,000.00 he and his company would have my selection and my certificate canceled, set aside and vacated, and then they would have



said lands set aside for townsite purposes and I would not only lose my land but would not receive one cent for it. I am a poor, old, crippled, ignorant, uneducated full-blood Creek Indian; I am not able to speak or understand the English language; the representations- or mis-representations- were made to me through a mixed blood Creek Indian negro, by the name of Ellis Childers, who is an ex-penitentiary convict, and a sleek, conscienceless scoundrel, who acted as interpreter during said negotiations. I had my lands well improved with a good fence of posts, plank and barbed wire around it, and had about 95 acres of it in cultivation; being misled and imposed upon by the mis-representations above recited, and being fraudulently led to believe that I was in danger of losing my land with all of my improvements, I accepted Bowman's proposition and agreed to sell my lands to him for \$3,000.00 in cash; W. S. Fears acting for and in behalf of Bowman and his associates presented to me a paper which Fears represented to me through Ellis Childers as interpreter- was a contract of sale of my lands and I signed it; subsequently I received from Fears a copy of said paper and when I had it translated and interpreted to me I found it to be a lease of my lands for agricultural purposes for five years.

While I was still ignorant of the character of said paper- or lease- I think it was in the month of January, 1903, Guy Bowman came to me- with Ellis Childers acting as interpreter- and said that the papers were wrong and that he had made out new papers complying with the regulations established by the Secretary of the Interior, and in order to carry out our contract it was necessary for me to sign and acknowledge the new papers; with their threats still in my mind and still fearing that I would lose my lands unless I signed the paper I signed it. I did not know what it was, nor do I know that it was properly interpreted to me, but this I do know, that the \$3,000.00 was not paid to me as promised, nor have I since received any other sum of money except five hundred dollars paid to me at the time I signed the lease.

My lands lie immediately between the town of Coweta and adjacent to the line of the Missouri, Kansas and Oklahoma Railway; said lands are very valuable, they are worth at least \$50.00 per acre, that is, \$8,000.00 for the 160 acre tract of land. As I have been wronged and swindled in this whole transaction by Bowman and his gang of Sharpers I desire to have you as the Secretary of the Interior, having full power and lawful authority in the premises to set aside said lease and said other papers signed by me, and that they be declared null and void and that you do not on any account approve a deed conveying my lands from me to said Bowman or to the Arkansas Valley Townsite Company or to anyone else whose name may appear in said deed as the grantees. I am perfectly willing to pay back to Bowman and his associates the five hundred dollars he paid me, and will do so upon receiving an order from you to that effect. My husband Willie Chissoe, who is also a full blood Creek Indian joins me in this protest.

Praying you for protection in this matter, I have the honor to be

Your humble protestant,

Mary Chissoe

her

Willie Chissoe

X  
mark

United States of America, )  
Western District, ) ss.  
Indian Territory. )

On this day personally appeared before me a duly commissioned and acting Notary Public in and for the Western District of the Indian Territory Mary Chissoe, a married woman, and Willie Chissoe, her husband, both of whom are well known to me to be duly enrolled citizens

of the Creek Nation, and each of them being by me duly sworn according to law on oath depose and say that they have read the foregoing petition to the Secretary of the Interior read to them and that they are thoroughly acquainted with its contents; that the matters and things as therein set forth and alleged are true in substance and in fact.

Mary F. Chissee  
mark  
Willie Chissee

Interpreter  
L.C. Drew.

Subscribed and sworn to before me this 8 day of June, A.D.1903.

W. G. Cooper  
Notary Public.

W.C.Cooper, Notary Public,  
Western District,  
Indian Territory.

My Commission expires  
Oct. 25, 1906.

Endorsed on back  
DEPARTMENT OF THE INTERIOR  
COMMISSION TO THE FIVE CIVILIZED TRIBES

FILED  
Oct.2, 1903.

Tams Bixby.  
Chairman

RECEIVED  
Aug 11 1903  
Office of U.S. Indian Agent,  
Muscogee, Ind.Ter.

8776  
Enrollment - 78.

Muskogee, Indian Territory, August 8, 1903.

A. F. Murphy,

Attorney for the Creek Nation,

Muskogee, Indian Territory.

Sir:

July 1, 1903, the Commission transmitted to the Department for consideration your communication, in which you gave your views as to your duties as attorney for the Creek Nation and asked that your duties be defined.

July 30, 1903, the Department addressed the Commission on the subject of your letter. A copy of the Department's letter is herewith inclosed.

Respectfully,

Commissioner in Charge.

SAA-23.

J. B. N.

Muskogee, Indian Territory, August 31, 1903.

I, T. B. Needles, a member of the Commission to the Five Civilized Tribes, hereby certify that the above and foregoing is a true copy of a letter received from the Department of the Interior in the matter of the application for the enrollment of Chaney Trent, et al., as citizens of the Creek Nation, and that the matter of said Application is now pending before the Commission.

I further certify that Lizzie M. Miller, as natural guardian for Fannie and Gerty Beck, made application to the Commission for allotment of the following described lands to said Fannie and Gerty Beck, to-wit:

To Fannie Beck, E. 1/2 of the S.W. 1/4 and E. 1/2 of the E. 1/2 of the W. 1/2 of the S.W. 1/4 of Sec. 29, T. 18, R. 17.

To Gerty Beck, W. 1/2 of the W. 1/2 of the S.W. 1/4 and the W. 1/2 of the E. 1/2 of the W. 1/2 of the S.W. 1/4 of Sec. 29, T. 18, R. 17;

That Chaney Trent claims the improvements on said described land for herself and children and has filed a protest against the issuance of deeds thereto; that no deed has been issued to any part of said described land, and that the issuance of a deed or deeds to any part thereof will be held up pending the determination of the citizenship of said Chaney Trent, et al.

(SIGNED) *T. B. Needles.*  
Commissioner.

8863  
Gr. No. 78.

Muskogee, Indian Territory, October 23, 1903.

Harry G. Davis and Thomas A. Harrison,  
Attorneys for Chaney Trent et al.,  
Muskogee, Indian Territory.

Gentlemen:

There is herewith enclosed one copy of the testimony taken October 1, 1903, in the matter of the application for the enrollment of Chaney Trent, et al., as citizens of the Creek Nation.

You are advised that you will be allowed ten days from date hereof within which to file a brief in the case, a copy of said brief to be served on the attorney for the Creek Nation.

Respectfully,

Commissioner in Charge.

Enc. MGH 23-X.

88/3  
Cr. En. 78.

Muskogee, Indian Territory, October 23, 1903.

A. P. Murphy,  
Attorney for Creek Nation,  
Muskogee, Indian Territory.

Sir:

There is enclosed herewith a copy of the testimony taken October 1, 1903, in the matter of the application for the enrollment of Chaney Trent, et al., as citizens of the Creek Nation.

Respectfully,

Commissioner in Charge.

Enc. HGH-YZ.

(Copy)

J.W.H.

DEPARTMENT OF THE INTERIOR, THE  
WASHINGTON.

I.T.D. 1424-1902.

1904-1905.

February 13, 1904.

LRS

Commission to the Five Civilized Tribes,

Muskogee, Indian Territory.

Gentlemen:

April 4, 1903, the Department returned to you for further investigation, the record in the matter of the application of Chaney Trent, et al., for enrollment as citizens of the Creek Nation.

October 26, 1903, in connection with the enrollment case of Rachael Turner, you reported that the taking of evidence in the Chaney Trent case was completed October 2, 1903, and that the matter would be disposed of as soon as possible.

It is considered that further delay ought, if possible, to be avoided. Not only have the rights of these applicants long waited adjudication, but other matters also are held pending your report. You are therefore directed to render an immediate report in the matter.

Respectfully,

(Signed) Thos Ryan

Acting Secretary.



J. J. B.

Cr. En. 78.

Muskegee, Indian Territory, February 23, 1904.

Honorable Tams Bixby,  
Raleigh Hotel,  
Washington.

Dear Sir:

There is herewith transmitted for your consideration and delivery to the Department, if you concur with the Commissioners whose signatures are affixed to the report, the record and report in the matter of the application for the enrollment of Chaney Trent, et al., as citizens by blood of the Creek Nation.

This report was called for by Departmental letter of February 13, 1904, a copy of which is inclosed herewith.

Respectfully,

Commissioner in Charge.

HGH 1.

Muskogee, Indian Territory, February 24, 1904.

The Honorable

The Secretary of the Interior.

Sir:

The Commission has the honor to acknowledge receipt of Departmental letter of February 13, 1904, in which it was directed to make an immediate report in the matter of the application for the enrollment of Chaney Trent, et al., as citizens of the Creek Nation.

The Department is advised that a report and the record in the case was transmitted to Chairman Hixby on February 23, for his consideration, signature and delivery to the Department.

The report in the case has been prepared for more than a month but has been held awaiting the signature of the Chairman who is now in Washington.

Respectfully,

Commissioner in Charge.

Refer to copy to the following:

LAND

18708-1904.

## Department of the Interior,

OFFICE OF INDIAN AFFAIRS,

WASHINGTON, March 24, 1904.

( C O P Y )

The Honorable,

The Secretary of the Interior.

Sir:

Referring to Department letter of April 4, 1903, (I.T.D.594), remanding for rehearing the matter of the application of Chaney Trent, et al., for enrollment as citizens of the Creek Nation, there is enclosed herewith a report from the Commission to the Five Civilized Tribes, dated February 23, 1904, returning the record.

The Department in remanding this case called the attention of the Commission to the following statement contained in their report of January 31, 1902:

"The Commissions finds further that it has been the custom of the Creek Nation to hold that the adoption or admission of a person to citizenship does not confer any rights or privileges upon descendants there- tofore born unless said descendants are designated in the act or decree of adoption, either by name or in general terms."

The Commission says that in view of the evidence it feels it was warranted in making the statement quoted; that it is

true Ellis B. Childers and Legus C. Perryman swore that such was not the custom, but that when it is considered that the former was convicted of a felony and served a term in the penitentiary for fraud against the Creek people while treasurer of the Nation, and that the latter while serving as Principal Chief was impeached and removed from office, it is the opinion of the Commission that their testimony should carry little if any weight. The Commission says that A. P. McKellop has served the Creek people in many important positions and that they believe that his knowledge of the customs of the Nation is equal to that of any living person; that his testimony sustains positively the statement of the Commission; that he says no exceptions were made where the children of a person named in the Acts of the National Council were residents at the date of said Acts regardless of whether the children themselves were the heads of families; that the testimony of the Principal Chief of the Creek Nation supports Mr. McKellop's statements; and on this point the Commission invites the attention of the Department to the decision of the Colbert Commission in the case of Mary E. Bowen, et al., made part of the record in the Chaney Trent case, which they say sustains the Commission's view.

The Department also called the attention of the Commission to the following statement of their report of January 31, 1903:

"It has been the unvarying custom of the Creek Nation in adopting or admitting persons to citizenship to grant them all the rights, privileges and immunities of the original members of the tribe (Creek laws of 1892, page 102), and to apply to other descendants thereafter born the same laws, usages and customs relating to citizenship as would apply to original members of the tribe."

With reference to this statement the Department desired that the Commission ascertain whether the Creek Law as emanated by the tribal authorities would permit the enrollment of the children of Chaney Trent born subsequent to the Act of 1890, by reason of them being descendants of Richard Atkins, whose name appears in an Act adopted by the Council in 1890. The Commission says that it has been unable to ascertain whether this question was ever passed upon by the tribal courts; that the testimony of Mr. McKellicp leads to the conclusion that such children were not recognized as citizens, and the attention of the Department is invited to letter of February 3, 1902, (I.T.D.625) in the William W. Morey, et al. case, in which it was held that William W. and Mary F. Morey were not entitled to enrollment by virtue of the fact that the father of Nelson Morey was a son of Callie B. Morey, who was admitted to citizenship by the Commission in 1896. The Department also desired an expression of the views of the Commission as to whether the children referred to, born since the Creek Act of 1890, were entitled to enrollment by reason of the following provision of Section 21 of the Curtis Act:

"Said Commission is authorized and directed to make correct rolls of the citizens by blood of all the other tribes, eliminating from the tribal rolls such names as may have been placed thereon by fraud or without authority of law, enrolling such only as may have lawful right thereto and their descendants born since such rolls were made and such intermarried white persons as may be entitled to Choctaw and Chickasaw citizenship under the treaties and laws of said tribes."

The Commission says that in their opinion this provision of the Curtis Act in so far as it refers to "descendants born since such rolls were made" means the children born to one whose name appears on the roll and the descendants of such children, and in support of this opinion they invite attention to the provision of the Act authorizing and directing the Commission to make a roll of Cherokee citizens, wherein the Commission is directed to enroll a certain class of persons whose names are found on the 1880 roll, "and all descendants born since the date of said roll to persons whose names are found on said roll." The Commission says that in their opinion Congress in this particular intended the Act to apply alike in the Creek and Cherokee Nations; that the intention is more clearly expressed in the provision relating to the Cherokees; that the construction placed upon the provision of the law appears to the Commission to be consistent with the whole tenor of the Act.

The Department, in view of the possibility that the investigation provided for by law might result in the conclusion that <sup>these</sup> ~~that~~ applicants or part of them were not entitled to enrollment because of the Act which declared Richard Atkins to be a citizen of the Creek Nation, directed the Commission to

make inquiry relative to the Act of the Committee of Eighteen referred to in the Commission's decision. With reference to this Committee the Commission in its report, before referred to, said:

"Upon examination of the rolls and records of the Creek Nation now in the possession of this Commission, it is found that the names of the said Chaney Trent and three of her said children, Frank, Willie and Lee Trent, appear on the list of persons reported stricken from the Creek tribal rolls by the citizenship committee of the Creek Council under the provisions of the act of the Council approved May 15, 1895, and that the report of said Committee was adopted by act of said Council approved June 8, 1895."

The Department desired that the Commission furnish in this respect the rulings of the United States Court and the Colbert Commission in cases wherein the point was involved and the Commission says that from the records of the Colbert Commission in their possession it does not appear that this question was directly passed upon; that in cases where persons whose names are in the list reported by the Committee of Eighteen and who afterward made application to the Commission for citizenship, they were considered as non-citizens, and that in the case under consideration the names of the applicants were erased from the rolls. The Commission then quotes from the ruling of the United States Court in the case of Jennie Johnson, et al., versus the Creek Nation. The Court, it appears, for the Northern District of the Indian Territory, said:

"The rolls from which the names of the claimants in this case were stricken by the Committee of Eighteen was the roll of the citizens of the Nation prepared by the town chiefs of the several towns of the Muskogee Nation. That was



merely a census roll, and was only prima facie evidence of citizenship in the Nation. The legislation of the Creek Nation is conclusive upon this point. The act creating the Committee of Eighteen, which was approved May 15, 1895, is headed in the session laws, "Committee of Eighteen on Census Rolls of 1895." And is as follows, there being but one section:

'That a Special Committee to be composed of six members of the House of Kings and twelve members from the House of Warriors be appointed to take charge of the census rolls of the various towns and carefully examine the same and ascertain whether or not they were correct, and if any of them are found to contain the names of non-citizens all such names shall be expunged from the rolls and reported separately to the National Council.'

All the acts of the Special Committee herein provided for shall be subject to the approval of the National Council. There was an amendment to this Act, or rather a supplemental Act, passed May 17, 1895. The preamble to this supplemental Act is as follows:

'Whereas it has become notorious that by questionable and unjust methods and practices many non-citizens have heretofore been counted as citizens and participated in the per capita distribution of the public funds of the Nation;

And, whereas, such persons as have in this manner obtained a share in the payments of moneys of the Nation made to her citizens, claim that by such participation that they have become fully recognized citizens thereof, entitled to all the rights, privileges and immunities incident thereto, which claim, if admitted, must eventuate in great injustice to bona-fide citizens of the Nation; Therefore,

Be It Enacted by the National Council of the Muskogee Nation; That the fact alone that any person has at any time participated in the per capita distribution of any of the public moneys of the Muskogee Nation, does not make of such person a citizen of the Muskogee Nation, entitled to the rights and privileges of recognized citizens thereof, and shall not by any authority of the Nation be subject or construed as evidence sufficient to perfect and establish such claim:

Be It Further Enacted, that the Committee of Eighteen (18), appointed by the act of the Extraordinary session of Council approved May

15, 1895, to examine and correct the census rolls of 1895, are hereby instructed and directed to entertain and consider any and all challenges and questions urged in good faith by any respectable citizen against the claim of any person to citizenship in this Nation, and strike from the rolls and preserve a correct list of all the names so stricken out and report the same to the present session of the Council.'

The Committee of Eighteen submitted a report which is found on page 12 of the session laws of June 1895, and is as follows:

'Gentlemen:

We, your Committee of Eighteen, appointed to consider and correct the census rolls of the several towns as handed in by the town chiefs, have examined and corrected the forty-seven rolls. The correct number on the rolls is 13841. The number enrolled which were stricken from the rolls by the Committee as doubtful is 619. Having completed the work assigned to us, we submit this report and asking that the report be adopted and Committee discharged.

Respectfully,

(signed)

M.J. Smith, chairman.

Wilfred McIntosh, clerk.

Approved June 8, 1895.

This report was submitted to the National Council of the Muskogee Nation. It was approved by the Council and ~~enrolled~~ among the laws of the Nation. This roll of citizens of the Nation was adopted by the Council, and became then and thereafter the final roll of citizens of the Muskogee Nation. From the rolls theretofore existing the Committee struck off the names of 619 persons. It was directed to expunge from the rolls the names of all non-citizens, and it was instructed by a supplemental act to entertain and consider any and all challenges and questions urged in good faith by any respectable citizen against the claim of any person to citizenship in the Nation, and to strike from the rolls those who might be found to be non-citizens  
180

and submit a report to the Council. The Committee reported the names of 619 persons as stricken from the rolls by the Committee "as doubtful." Whether the Committee passed upon these people as citizens, and whether there was any doubt about their citizenship is immaterial. Their report was confirmed, and those who were put upon the rolls by this Committee were approved by the Council as citizens of the Nation. This roll was in existence at the time Congress legislated upon the subject, and was the final roll of the citizens of the Creek Nation which was confirmed by Congressional legislation."

The "doubtful roll" of 1895, in the possession of the Commission, is held by them to contain the names of 619 persons mentioned in the report of the Committee of Eighteen as having been stricken from the rolls as doubtful, and it appears that the names of Chaney Trent and her children appear therein, and the Commission says that the evidence shows that their names were not stricken from the Arkansas town roll because of the transfer of that roll to the Indian town of Cheyaha, but that at the time of the attempted transfer their names were not on the original town roll, having been stricken therefrom by the adoption of the report of the Committee of Eighteen; that the transfer was attempted in 1896, and their names were placed on the doubtful roll in 1895.

Section 152 of the Act creating the Colbert Commission is as follows:

"Section 152: That a Commission, to be styled 'The Citizenship Commission,' to be composed of five (5) of the most competent citizens of this Nation be and is hereby created, whose duty it shall be to sit as a high court and try, determine and settle all and only such causes as shall involve the question of the right of citizenship of any person in the Muskogee Nation that shall be presented to it, either by claimant or the duly authorized representative of the Nation, as hereinafter provided."

The Commission considers that the Colbert Commission was clothed with judicial powers and says that the Act creating said Commission was repealed by an Act of the National Council, approved October 14, 1896. From the Act of October 14, 1896, the Commission say it appears by that an Act of August 10, 1896,

the Colbert Commission was directed to examine the census rolls as corrected and submitted to it by members of the Council; that the Act of August 10, 1896, referred to in the Act of October 14, 1896, does not appear among the printed acts of the Creek laws from 1893 to 1895, and that the Commission has no knowledge of what is contained therein except what is shown by the Act of October 14, 1896. What purports to be a census roll of some of the towns of the Creek Nation for 1896 is in the possession of the Commission, but it is stated that lists for a number of the towns are missing; that some of these lists were certified to by James Colbert, chairman, as being a correct roll of the towns where such certificates appear; that below the signature of Mr. Colbert in some cases the approval of the town officers appears; that no list for Cheyaha town is in the possession of the Commission for the year 1896, unless it be the printed list made a part of the record in the case; that no action seems to have been taken on any of these lists by the Council; and that the Commission is of the opinion that these lists are the "census rolls" referred to by the Principal Chief in his communication of November 10, 1896, to the House of Kings, which appears in the testimony of J. H. Lynch. The Commission says that owing to the fact that some of the lists of the towns are missing, and others not certified to as correct by any authority and not authenticated by the Creek Council, they have not been considered in determining the

questions of citizenship. The book referred to by Harry G. Davis, in his affidavit, as the "Census Roll", it is said does not show that it was authenticated by any real or pretended authority, and that the Commission is of the opinion that this book and the testimony in support of its authenticity, are not sufficient to overcome the testimony of Perryman, McKellop and Lynch, and the records of the proceedings in the House of Kings.

The Commission does not consider that the legislation enacted subsequent to the Curtis Act entitles the applicants to this case, or any of them, to citizenship in the Creek Nation, and says that Section 188 of the Creek Law Book 1893 to 1899 inclusive, provides that certain classes named therein are entitled to participate in the 1895 per capita payment, and that there is in the possession of the Commission what is known as the 1895 omitted roll of the Creek Nation which contains the names of the persons covered by the Act; that this roll has been uniformly treated by the Commission as authentic; that none of the applicants to the Chaney Trent case are identified by said roll; that Ellis Childers swore that he made payment to Chaney Trent in 1898 and that her name is on the omitted roll, but that the record is against him; that Chaney Trent in her testimony of July 3, 1903, said she received this money, but that on October 18, 1900, she swore she did not receive it; that the record confirms her first statement and "the Commission stands by the record."

The Commission expressed the opinion that the applicants

are not entitled to enrollment and says that their applications should be denied.

Richard Atkins, father of Chaney Trent, was admitted to citizenship in the Creek Nation by the act of the National Council approved October 21, 1890. The act of admission is as follows:

"That Richard Atkins be and is hereby declared a citizen of the Muskegee Nation by reason of Creek blood."

It appears that the right of Chaney Trent and the rights of her children to enrollment as citizens of the Creek Nation, insofar as such rights may exist on account of them being descendants of Richard Atkins, hinges upon whether the admission of Richard Atkins, father of Chaney Trent, carried with it her admission, although she was at the time of her father's admission, married and the head of a family.

She was born in Missouri and resided there until she was about twenty-two years of age. She was born in 1863 and seems to have removed to the Creek Nation in 1885. She was twenty-seven years of age at the time of her father's admission and her name is not included in the act. Her right and the right of her children to enrollment upon the ground above mentioned, appears therefore to depend upon the custom of the Creek people in this particular.

William McIntosh, who was present at the time the Creek Council admitted Richard Atkins to citizenship, testified that he was familiar with the customs of the Creek Nation in regard to the rights conferred upon the children of persons admitted to citizenship; that if rights were conferred upon the parents

such action admitted the children who were of age and married. The testimony of Gabriel Jamison is to the same effect.

Andersen Childers was not certain as to the custom of the Creek people on this point. E. B. Childers testified that as Richard Atkins was declared to be a citizen by blood, his children under the custom of the Creek Nation, became citizens of the Nation.

Legus C. Perryman testified that in accordance with the custom of the Creek Nation the admission of the parent carried with it the admission of the child, regardless of whether such child was a minor, but that it was generally understood that the child belonged to the same Creek town as did the mother.

A. P. McKelley testified as follows:

"Q. Where a man was admitted to citizenship in the Creek Nation, and he had children who were grown and married and the heads of families, the mother of said children being a non-citizen, did the admission of the father admit these children that were grown and married and the heads of families, the children not named in the application?

A. No, Sir, it did not make any difference whether the mother was a citizen or non-citizen, they were not admitted where of age.

Q. Suppose a man was fifty years old and he had a daughter thirty years of age, the head of a family, had children of her own, her mother a non-citizen, was it the custom of the Creek Nation to recognize that woman upon the admission of her father?

A. As a citizen?

Q. Yes.

A. No, Sir."

J. B. Lynch testified that he did not know much about the custom of the Creek people as he had not paid much attention thereto.

Honorable Pleasant Porter, Principal Chief of the Creek Nation, testified that



- "Q. Suppose a woman twenty-five years of age, who was married and had children, moved to the Creek Nation with her children a few years prior to 1890, and a few years after she moved to the Creek Nation her father came to the Creek Nation and made application to the Creek National Council for citizenship, the Creek Council taking action in the matter declared him to be a citizen in the Creek Nation by reason of Creek blood, now is the effect of his having been so declared a citizen of the Creek Nation, would that fact confer citizenship upon his married daughter.
- A. No.
- Q. Or would she have to make a separate application for admission?
- A. Each case would have to be settled upon by the Council itself--application made separately.
- Q. You mean she would have to make an application herself?
- A. Yes.
- Q. Now this is a case, General, where the woman had never, so far as the evidence shows, been a resident of the Creek Nation. She was married and came to the Creek Nation from Missouri.
- A. It wouldn't confer any citizenship upon her. You have seen the Alien Law, haven't you?
- Q. Yes.
- A. That would control it.
- Q. Would the fact that this man alone being declared a citizen of the Creek Nation confer citizenship upon his grandchildren?
- A. No, Sir.
- Q. The parents of whom were not included in the application, and were not declared to be citizens of the Creek Nation in the Act, or any subsequent Act of the Creek Council?
- A. No, Sir, it would not."

From the testimony in this case and the Department's holding in the case of William H. Morey, et al, and the decision of the court in the Jennie Johnson case, it appears to this office that by the established custom of the Creek Nation the admission of a parent does not carry the admission of his child then of age, married, and the head of a family.

From the testimony it seems that the action of the Commit-

tee of Eighteen, appointed under the provisions of the Act of May 15, 1895, (Creek Laws 1893 to 1899 inclusive, Page 41) was not approved by the Creek Council, and from the Commission's report it is apparent that they are not in possession of a list or census of the Cheyaha (Cheyarhar) Creek Town for the year 1896, unless it be the list which is a part of the record in this case and is signed by Anderson Childers, town king, Cheyarhar Town.

The names of Chaney, Frank, Mary, Willie, and Lebraw Trent appear on this list opposite numbers 169 to 173 inclusive. From the record and the report it seems that the names of these applicants are not found on the 1895 omitted roll. In fact, the record shows that the name of Chaney Trent and those of her children are on the doubtful roll of 1896, which contains the names of six hundred and nineteen persons, whose names were, by the Committee of Eighteen, stricken from the regular rolls and placed on a doubtful roll.

The word "descendants" as used in the Curtis Act, it is believed, means the nearest ancestor living at the date the roll was made.

In view of the foregoing this office is of opinion that the admission of Richard Atkins, father of Chaney Trent, did not confer upon her the right of citizenship in the Creek Nation and that she and her minor children are not entitled to enrollment on account of descent from Richard Atkins.

There is, however, another phase of this case that should be considered, and it should be positively settled before these

and that is  
people are declared not to be entitled to enrollment, whether  
the list which is a part of the record, signed by Anderson  
or accepted  
Childers, was prepared and adopted by the Colbert Commission.

Section 152, Creek Laws 1893 to 1899, Page 43, under which  
the Colbert Commission was appointed, is in part as follows:

"That a Commission, to be styled 'The Citizenship Commission,' to be composed of five (5) of the most competent citizens of this Nation be and is hereby created, whose duty it shall be to sit as a high court and try, determine and settle all and only such cases as shall involve the question of the right of citizenship of any person in the Muskogee Nation that shall be presented to it, either by claimant or the duly authorized representative of the Nation, as hereinafter provided."

The remainder of this section relates to the duty of the  
Commission and <sup>conferred</sup> upon it certain powers such as subpoenaing  
witnesses, administering oaths, etc.

The act under which the Colbert Commission was appointed  
was approved May 30, 1895. Section 154 of the Creek Laws, being  
a part of the act mentioned, provides among other things

"And in any enumeration hereafter to be made of the  
citizens of the Nation, any person applying for registration,  
against whose citizenship any question may arise, shall be re-  
quired to trace his or her origin on rolls of the names of citi-  
zens to be prepared under this act"

and it declared that in passing upon the rights of applicants  
for citizenship by reason of blood, Sections 295 to 298 inclu-  
sive of the Creek Laws, 1893 edition, should govern the Commis-  
sion, and that whenever a case was decided in favor "of any  
person by the Commission, the plaintiff shall ever afterwards be  
a full citizen and accorded all the rights of any other citizen."

Section 155 declares

"All cases before this tribunal (Colbert Commission)

shall be decided by vote, and a majority vote shall stand and be the final decision of that body."

By the Act of October 14, 1896, Sections 198 to 200 inclusive, Creek Laws 1893 to 1899, so much of the law "creating and defining the duties of the commission on citizenship as authorized said commission to receive, investigate and determine the rights of applicants for citizenship" was repealed and the commission was estopped from passing upon any more applications for citizenship.

Section 199 provides, however, that nothing contained in the act shall be construed as interfering with or in any way modifying the rights of the Commission "to examine the census rolls as corrected and submit to the members of the Council under an Act of the National Council approved August 10, 1896."

The Act of August 10, 1896, does not appear among the printed laws of the Creek Nation.

Section 200 directed the Citizenship Commission to continue to act as directed in Section 199 until such time as their work was completed.

It will be observed that under the provisions of Section 152, a Citizenship Committee to be composed of five "of the most competent citizens of the Nation" was created and that it was their duty "to sit as a high court and try, determine and settle all and only such cases as shall involve the question of right of citizenship of any person in the Muskogee Nation that shall be presented to it." (Underscore mine.)

It will also be observed that Section 155 provides the method of procedure in determining the decision of the court and

that said section declares "a majority vote shall stand and be the final decision of that body."

The Act of May 30, 1895, being the Act under which the commission was established, does not, so far as this office has been able to discover, provide that the action of the Colbert Commission, the commission appointed under Section 152 of the act, should be submitted to the Council for consideration, review and approval, and in view of the fact that the very section under which the commission was appointed, specifically declares that the commission should sit as a high court and "try, determine and settle" such questions of the right of citizenship as might be presented to it, seems to negative the proposition under which the commission appears to have proceeded, that the acts of the commission were subject to the review and the approval of the Council and that the approval of the Council was necessary to give them validity.

2u p 14 The list, hereinabove referred to, contains the names of one hundred and seventy-three persons, numbered consecutively from one to one hundred and seventy-three. It is headed "Roll of Cheyarhar Town" and is signed "Anderson Childers, Town King." There is nothing in the record, so far as the office has been able to discover, that establishes the true nature of this list. It may be a list or schedule of the names of citizens of Cheyarhar Town as certified to the Colbert Commission by the town king of said town, Anderson Childers.

If such be the case, there is nothing in the record which shows that said list was accepted by the Colbert Commission as

a correct census of the town mentioned, adopted by them or rejected by them.

It seems to the office that before the right of these applicants to enrollment is finally passed upon, the identity of this list should be established if possible, and an attempt should be made to determine whether the Gilbert Commission accepted that list as a list or census roll of the citizens of Cheyenne town, and as the list contains the names of one hundred and seventy-three persons, it would seem that by checking these names with other rolls and with the Commission's rolls, which have been approved, that a proper conclusion could be reached in the premises.

It is respectfully recommended that the Commission to the Five Civilized Tribes be instructed in accordance herewith.

Very respectfully,

A. C. Tenner,

Acting Commissioner.

GAW-LC-H

COMMISSIONERS  
TAMM BIXBY,  
THOMAS B. NEEDHAM,  
C. R. BRECKINRIDGE

WM O. BEALL,  
SECRETARY

DEPARTMENT OF THE INTERIOR.  
COMMISSION TO THE FIVE CIVILIZED TRIBES.

REFER IN REPLY TO THE FOLLOWING

Creek Nos. 799 and  
800.

Muskogee, Indian Territory, April 25, 1904.

J. J. Beavers, Esq.,

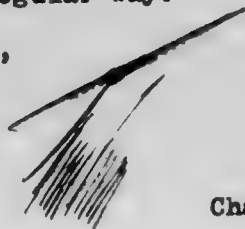
Chief Clerk, Creek Enrollment Division,  
General Office.

Dear Sir:

In the matter of the application for the enrollment of Chaney Trent as a citizen of the Creek Nation, you are advised that Creek Land Contest No. 799, entitled Chaney Trent, contestant, versus Gerty Beck, a minor, by Lizzie M. Miller, her mother and natural guardian, contestee, and Creek Land Contest No. 800, entitled Chaney Trent, contestant, versus Fannie Beck, a minor, by Lizzie M. Miller, her mother and natural guardian, contestee, have been held open pending the determination of said application.

As soon as said application has been finally passed on by the Honorable Secretary of the Interior, you will advise the Allotment Contest Division of the Commission so that the contest<sup>s</sup> above referred to may be disposed of in the regular way.

Respectfully,



Chairman.



COMMISSIONERS  
TAMM BIXBY.  
THOMAS B. NEEDLE.  
C. R. BRECKINRIDGE.

WM O BEALL,  
SECRETARY

DEPARTMENT OF THE INTERIOR.  
COMMISSION TO THE FIVE CIVILIZED TRIBES.

REFER IN REPLY TO THE FOLLOWING

Creek Nos. 801,  
802 and 803

Muskogee, Indian Territory, April 25, 1904.

J . J. Beavers, Esq.,

Chief Clerk, Creek Enrollment Division,

General Office.

Dear Sir:

In the matter of the application for the enrollment of Fannie C. Trent as a citizen of the Creek Nation, you are advised that Creek Land Contest No. 801, entitled Fannie C. Trent, a minor, by Chaney Trent, her mother and natural guardian, contestant, versus Gerty Beck, a minor, by Lizzie M. Miller, her mother and natural guardian, contestee, Creek Land Contest No. 802, entitled Fannie C. Trent, a minor, by Chaney Trent, her mother and natural guardian, contestant, versus Lizzie Cole as the representative of the heirs of Gus Cole, deceased, contestee, and Creek Land Contest No. 803, entitled Fannie C. Trent, a minor, by Chaney Trent, her mother and natural guardian, contestant, versus Theney Watson, a minor, by Vina Watson, her mother and natural guardian, contestee, have been held open pending the determination of said application.

As soon as said application has been finally passed on by the Honorable Secretary of the Interior, you will so advise the Allotment Contest Division of the Commission so that the contests above referred to may be disposed of in the regular way.

Respectfully,

Chairman.

COMMISSIONERS  
TAMM BIXBY,  
THOMAS B. NEEDLES,  
C. R. BRECKINRIDGE,  
WM O BEALL,  
SECRETARY

DEPARTMENT OF THE INTERIOR.  
COMMISSION TO THE FIVE CIVILIZED TRIBES.

REFER IN REPLY TO THE FOLLOWING

Creek No. 806

Muskogee, Indian Territory, April 30, 1904.

J. J. Beavers, Esq.,

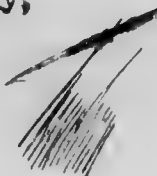
Chief Clerk, Creek Enrollment Division,  
General Office.

Dear Sir:

In the matter of the application for enrollment of Bennie Trent as a citizen of the Creek Nation, you are advised that Creek Land Contest No. 806, entitled Bennie Trent, a minor, by Chaney Trent, his mother and natural guardian, contestant, versus Jones Gladstone Emery, a minor, by John E. Emery, his father and natural guardian, contestee, has been held open pending the determination of said application.

As soon as said application has been finally passed on by the Honorable Secretary of the Interior, you will so advise the Allotment Contest Division of the Commission so that the contest above referred to may be disposed of in the regular way.

Respectfully,



Chairman.

COMMISSIONERS  
TAMM BIXBY,  
THOMAS B. NEEDLE,  
C. R. BRECKINRIDGE

WM O BEALL  
SECRETARY

DEPARTMENT OF THE INTERIOR,  
COMMISSION TO THE FIVE CIVILIZED TRIBES.

REFER IN REPLY TO THE FOLLOWING

Creek No. 804.

Muskogee, Indian Territory, April 25, 1904.

J. J. Beavers, Esq.,

Chief Clerk, Creek Enrollment Division,  
General Office.

Dear Sir:

In the matter of the application for enrollment of Lee Drew Trent as a citizen of the Creek Nation, you are advised that Creek Land Contest No. 804, entitled Lee Drew Trent, a minor, by Chaney Trent his mother and natural guardian, contestant, versus Jones Gladstone Emery, a minor, by John E. Emery, his father and natural guardian, contestee, has been held open pending the determination of said application.

As soon as said application has been finally passed on by the Honorable Secretary of the Interior, you will so advise the Allotment Contest Division of the Commission so that the contest above referred to may be disposed of in the regular way.

Respectfully,

  
Chairman.

3883  
Ex. 78.  
Muskogee, Indian Territory, June 8, 1904.

M. L. Mott,

Attorney for Creek Nation,

Muskogee, Indian Territory.

Sir:

The Commission is in receipt of your letter of May 27, in which you request that you be granted fifteen days to determine whether or not you will file a motion for review in the matter of the application for the enrollment of Chaney Trent, et al., as citizens of the Creek Nation.

In reply you are advised that your request is granted. The time will expire June 12, 1904.

Respectfully,

Chairman.

D.C. 21578-1904.

COPY

Muskogee, Indi Ter. June 25th  
1904.

Commission to the Five Civilized Tribes,  
Muskogee, Indian Territory.

Gentlemen:-

I was on yesterday in the office of Col. Mott, the Attorney of the Creek Nation, and while there learned that the case of the application of Chaney Trent and her children to be enrolled as citizens of the Creek Nation had been decided by the Secretary of the Interior and that your Commission had been directed to enroll said Chaney Trent and her children as citizens of the Creek Nation.

As Attorneys for the Claimants we desire to respectfully and here apply to you for a copy of the decision of the Secretary of the Interior rendered in said case on May 7th, 1904.

We wish further to enquire whether any reason exists why notice of this decision has not been given claimants or their Attorneys ere this, the decision having been rendered on the 7th. day of last month and this being the 25th. day of June.

Sincerely yours,

Thomas & Foreman, and

Harry G. Davis,

By John R. Thomas.

Received at

58 KM HT EX 43 paid GOVT

DW Washington DC June 25-54

Dawes Commission

Muskogee, IT

Allow Creek National Attorney thirty days from date to file motion properly served for review of Department decision of May seventh nineteen hundred four relative to Chaney Trent meanwhile suspend all action concerning Trent family-----E A Hitchcock Secy--125pm

873  
Ex. 76.

Muskogee, Indian Territory, June 28, 1904.

M. L. Mott,

Attorney for Creek Nation,

Muskogee, Indian Territory.

Sir:

In the matter of the application for the enrollment of Chaney Trent et al., the Commission is in receipt of a telegram from the Department, dated June 28, 1904, as follows:

"Dawes Commission, Muskogee, I. T., allow Creek National Attorney thirty days from date to file motion properly served for review of Department decision of May seventh nineteen hundred four relative to Chaney Trent. Meanwhile suspend all action concerning Trent Family. B. A. Hitchcock Secy."

Accordingly you are hereby notified that you will be allowed thirty days from June 28, 1904, in which to file a motion, properly served, for a review of Department's decision in the case.

Respectfully,

Commissioner in Charge.



2813  
En. 78.

Muskogee, Indian Territory, June 28, 1904.

Thomas & Foreman,  
Attorneys for Chaney Trent,  
Muskogee, Indian Territory.

Gentlemen:

In the matter of the application for the enrollment of Chaney Trent et al., you are advised that on this day the Department directed the Commission to allow the Attorney for the Creek Nation thirty days from date within which to file a motion for review of Department decision of May 7, 1904.

The Commission was further directed, meanwhile, to suspend all action in the case.

Respectfully,

Commissioner in Charge.

JH

Muskogee, Indian Territory, June 29, 1904.

Thomas A. Foreman and Harry G. Davis,  
Attorneys for Chaney Trent, et al.,  
Muskogee, Indian Territory.

Gentlemen:

The Commission is in receipt of your letter relative to the application for the enrollment of Chaney Trent, et al., as citizens of the Creek Nation, and the decision of the Department therein.

In reply you are advised that notices to you, of the decision of the Department and of the order of the Department allowing the Creek Attorney thirty days from June 28, 1904, within which to file a motion for review in the case, were transmitted June 28.

Mr. Foreman and Mr. Davis called at the office of the Commission June 28, and the matter was fully explained to them.

Respectfully,

Commissioner in Charge.

(COPY)

55 KS BX ex 26 paid GOVT

Washington DC Aug 15-04

Dawes Com

Muskoee IT

Answering telegram thirteenth inst, thirty days extension was allowed  
in Chaney Trent case on the twenty ninth ultimo

Thos Ryan Actg Secy

1 pm

COPY

J.W.H.  
RAF.

DEPARTMENT OF THE INTERIOR,  
WASHINGTON.

September 2, 1904.

ITD.7415-1904.

Mr. M. L. Mott,  
National Attorney, Creek Nation,  
Muskogee, I. T.

Sir:

The receipt is acknowledged of your telegram of August 27, 1904, relative to the Creek enrollment case of Chaney Trent et al., which reads as follows:

"We desire no further hearing in the Trent case unless allowed to introduce new evidence. The Dawes Commission say they can permit the introduction of new testimony only upon order from you to reopen. As we understand it, the motion for review only allows us to file additional brief, which we do not ask for under present status of the case. We do not see that we could add anything to what has been said in light of testimony already offered."

Referring to your previous telegrams relative to this case, the Department is unable to determine with certainty whether you desire a review of its decision of May 7, 1904, in the Trent case, or a rehearing before the Commission to the Five Civilized Tribes.

Although the time allowed you, with the extension thereof subsequently granted, has expired, you will be allowed fifteen days from date hereof to file a motion setting forth specifically your wishes in the matter.

You are advised that it is not the custom of the Department to grant rehearings or reviews upon mere requests. If you desire a review of said decision you should file a petition addressed directly to the Department, requesting such action. As to the form of your petition and the showing to be made, you should follow substantially the practice prevailing where a review is sought of the final decision of a court of law. If you desire a rehearing your petition should be duly verified and should be addressed to the Department, through the Commission to the Five Civilized Tribes, and should contain the names of the witnesses whose testimony you propose to introduce, and should freely disclose the substance of the evidence which it is expected, they will furnish, setting forth clearly from what source they obtained their information concerning the matters whereof they propose to testify. Your motion, whether for a review or a rehearing, must bear proper evidence of service upon the applicants and their attorney.

The Department desires to afford you all the consideration possible, compatible with the interests of the applicants, but if the opportunity hereby afforded you is not complied with within the time allowed the case must be thereafter regarded as closed.

The Commission to the Five Civilized Tribes will be furnished a copy of this letter.

Respectfully,

Thos Ryan  
Acting Secretary.

8813  
Creek No. 78.

Muskogee, Indian Territory, September 17, 1904.

The Honorable

The Secretary of the Interior.

Sir:-

September 16, 1904, the Attorney for the Creek Nation delivered to the Commission, for transmission to the Department, a motion, supported by the affidavits of Snow Sells, Nellie Prince and Joseph P. Davidson, asking that the matter of the application for the enrollment of Chaney Trent et al., be re-opened.

It appearing from said affidavits that it is probable that the father of Chaney Trent was declared a citizen of the Creek Nation, by the National Council, through fraud, it is recommended that the motion be granted.

The motion and affidavits are inclosed.

Very respectfully,

Chairman.

Through the  
Commissioner of Indian Affairs.

DCS. 2-17/9.

(COPY.)

DEPARTMENT OF THE INTERIOR.

Office of the Assistant Attorney-General.

I.T.N.  
8463-1904.

WASHINGTON.

December 9, 1904.

The Secretary of the Interior.

Sir:

I received by reference of October 7, 1904, with request for opinion thereon, the papers relative to the petition by the Creek Nation to reopen the case of the enrollment of Chaney Trent and her children as citizens of the Creek Nation by the Secretary's decision of May 6, 1904. The petition made by the principal chief states that it is based upon grounds of important and material evidence discovered since the former hearing, as--

shown by affidavits of Nellie Prince, Snow Sells, Joseph P. Davidson, Bill Marshall and Jesse Hawkins, hereto attached and made a part of this petition . . . Your petitioner further states that he has reliable and trustworthy information that numerous additional witnesses can be had in support of the affidavits offered, to wit: that the enrollment of Dick Adkins, father of Chaney Trent, was a fraud practiced upon the Creek Council, by the corrupt use of money in securing witnesses of identification as evidenced by the affidavit of Nellie Prince.

The affidavit of Snow Sells, for twenty-five years member of the House of Kings or House of Warriors, says he knew Tom Adkins well, who first had a child by a woman Chanacy that grew up and died, later a son Dick, yet living, born of Millie

Marshall, then two daughters and a boy that died soon after birth by a wife, Louisa Marshall; after his wife's death he had a son, Lee, killed a few years ago, born of Mary Jane Davis; that about 1888 affiant saw a man claiming to be son of Tom Adkins, calling himself Dick Adkins, who appeared to be a mulatto, negro and white, with no appearance of Indian blood, whereas Tom Adkins was full, or nearly full, Indian blood; that he never heard Tom Adkins speak of the woman this Dick Adkins claimed as his mother or of having any son Dick, except the son by Millie Marshall, or heard of any such son until 1888. Also affidavit of Joseph P. Davison, of the same general purport, says further that this Dick Adkins told affiant that he never saw Tom Adkins and did not know whether he was Indian or colored, and that his mother, then dead, never told him he was Tom Adkin's son, but that he heard it from people in the nation.

Also annexed are two papers in form of affidavits embodying substantially the same matter as that of Sells, unsigned and unsworn, on which are statements signed "M. L. Mott, Nat. Atty.", that they embody statements made to him by Bill Marshall and Jesse Hawkins, Creek citizens.

Also annexed is the affidavit of Nellie Prince that she knew a negro woman who because of her intimacy with Tom Adkins was sent into Texas and sold by her owners when pregnant;



that she never saw the youth again and years afterwards a man came into the country saying he was Dick Adkins, son of Tom, who gave her twenty dollars to go before the Council and swear that this Dick Adkins was son of Tom, which she did, without any other knowledge than his statement.

There are several reasons why a rehearing ought to be denied. The admission of Dick Adkins, Chaney Trent's father, under which applicants claim, has stood for fourteen years, acquiesced in by the national authorities and relied upon by Adkin's descendants, who have lived loyal to the allegiance to which they were admitted, have co-operated in the national life, acquired property, and expended labor and money, the fruits of honest industry, which must be in great measure lost if the rights then granted by the National Council are now taken away. None of these persons is charged with participation in or even with knowledge of any alleged fraud in procuring the admission. They being wholly ignorant, should not be deprived of the national allegiance which they in good faith accepted and have faithfully observed, unless upon the clearest and most cogent proof, showing to a certainty that they are not entitled to it.

The only proof of imposition or fraud upon the National Council is the voluntary affidavit of one who claims to have been

a witness before the council accusing herself of perjury at that time. It is not shown that she was in fact a witness before the council, or a material or the sole witness, and it is as probable that the present affidavit is perjured as that she then gave perjured testimony. No testimony of any member of the National Council is offered showing that she did then testify, or did then so testify, or that other witnesses were not heard, or that credit was then given to any testimony of this self-confessed perjurer. It is obvious that no judgment could ever stand if it may be avoided upon the unsupported affidavit of one self-accused perjurer.

Two of the witnesses offered, Sells and Davidson, who are now ready to swear that Dick Adkins had the appearance of a mixed white and negro blood, and no appearance of Indian blood, and no resemblance to his supposed father Tom Adkins, were members of the council admitting Dick Adkins, and neither attempt to explain why at that time, in view of what they now say is the fact, they raised no voice or objection to the admission, or yet pretend in the least to corroborate the perjurer, Nellie Prince. If recreant then to their public duty when Dick Adkins was living, and before these applicants accepted, assumed, and have for years observed the allegiance these affiants then aided to confer, something more than their own self-stultification should be

required to deprive the innocent of the allegiance they aided to grant.

Dick Adkins is dead and unable to speak in defense of the rights of those in whose interest he was fourteen years ago concerned and which he presented and advocated, presumably honestly, and certainly convincingly to the Creek Council. While living no one charged that he had no appearance of Creek blood. Now that he is dead, his voice silent, and his physical appearance withdrawn from available evidence, the presumptions arising from the finding and judgment of the council upon evidence then before it can not be overturned by evidence so vague, inconclusive, fallible, and suspicious as that now proposed.

For years after Dick Adkin's admission the Creek Nation in its council and courts had the plenary powers of a self-governing nation, and had an organized court, called the Colbert Commission, to which in 1896 were referred certain of its rolls to be examined and corrected. Dick Adkins was then living. The Commission gave no notice to Chaney Trent and took no action against her, nor was any taken by the National Council.

It was first claimed that as Chaney Trent was not named, nor descendants generally included, in the act of admission of her father, the act admitting him did not under Creek law and usage operate in her favor. This contest was clearly overthrown

by the great weight of the evidence at the hearing, as shown by departmental decision of May 6, 1904. Until that time the charge that fraud was committed by Dick Adkins in the proof of his right and obtaining his own admission was not urged.

Other descendants of Dick Adkins, brothers and sisters of Chaney Trent, whose rights rest on the same foundation of his Creek blood and his admission to citizenship, have been enrolled by the commission and the Creek Nation does not assail or question their right or charge that it was obtained by fraud. As Dick Adkins is admitted, as to his other descendants, to have had such right by Indian blood as to entitle such other descendants to their citizenship without objection by the nation; and as his admission was free of objection of fraudulent procurement and imposition upon the council and is permitted to stand, as to his other descendants, as good foundation for their right, it is obviously good foundation for that of Chaney Trent.

The record shows that Chaney Trent and her family, accepting the citizenship conferred by her father's admission, have industriously co-operated to the development and progress of the Creek Nation and in doing so have made for themselves comfortable homes and productive farms of lands before unimproved, but which are now coveted and sought to be appropriated by those

who have not labored to build the structures or to subdue from the state of nature the acres that she has made productive fields. One of these, said to be an intermarried white man, writes that "the claimant [Chaney Trent] and I are both in possession of a part and plowing in the same field." The record strongly suggests that the desire to reap the result of the commendable and useful industry of Chaney Trent and her family, rather than a desire to vindicate the nation's pretended wrong, instigates the opposition to their enrollment.

I am of opinion that the petition is wholly without merit and ought to be denied.

Very respectfully,

Frank L. Campbell,

Assistant Attorney-General.

Approved:

December 9, 1904.

E. A. Hitchcock,  
Secretary.

(COPY)

D.C. 49221, 1904.

J.W.H.

DEPARTMENT OF THE INTERIOR,  
WASHINGTON.

F.H.E.

I.T.D. 1424-1902.

594, 4495, 5975-03.

7412-1903.2074-04.

2364-8602-12516-04.

December 14, 1904.

L.R.B.

Commission to the Five Civilized Tribes.

Muskogee, Indian Territory.

Gentlemen:

September 17, 1904, you transmitted the petition filed by the attorney for the Creek Nation, requesting that the matter of the application of Chaney Trent, (Creek enrolment 78, et al.), for enrolment as citizens of the Creek Nation, be reopened.

The motion transmitted by you was referred to the Assistant Attorney General for this Department for an opinion in the matter. Relative to the motion, he held December 9, 1904, that it is "wholly without merit and ought to be denied." A copy of his opinion of that date is inclosed herewith.

In accordance with said opinion the petition of the attorney for the Creek Nation is hereby denied.

It is desired that you proceed at once with the enrolment of Chaney Trent and her family, and that they be permitted to select allotments without further delay.

Respectfully,

(Signed) Thos Ryan  
Acting Secretary.

1 inclosure.

En. 78.

Muskogee, Indian Territory, December 28, 1904.

M. L. Nott,

Attorney for Creek Nation,  
Muskogee, Indian Territory.

Dear Sir:

September 17, 1904, the Commission transmitted to the Department the petition filed by you requesting that the matter of the application of Chaney Trent et al., for enrollment as citizens of the Creek Nation, be re-opened.

Under date of December 14, 1904, the Department stated that the motion was referred to the Assistant Attorney General for an opinion in the matter; that relative to the motion, he held December 9, 1904, that it is "wholly without merit and ought to be denied." A copy of the opinion was inclosed with the Department's letter.

The Department further stated that "in accordance with said opinion the petition of the attorney for the Creek Nation is hereby denied."

Respectfully,

Chairman.



Copy

Muskogee, Indian Territory, Jan. 2, 1905.

Commission to the Five Civilized Tribes,  
Muskogee, Indian Territory.

Gentlemen:

The Creek Nation desires to file a protest or other instrument of writing it may deem best against the placing of the names of Chaney Trent and children on the approved Creek roll and in order that the same may accompany the schedule when transmitted to the Department it is respectfully requested that their names be not reported for fifteen days.

Respectfully,

(Signed) P. Porter

Prin. Chief.

(COPY)

DEPARTMENT OF THE INTERIOR,  
Office of Indian Affairs,  
Land,  
4271-1905.  
Washington, Jan. 23, 1905.

The Honorable,

The Secretary of the Interior.

Sir:

There is inclosed a report from the Commission to the Five Civilized Tribes, dated January 14, 1905, transmitting a partial roll of citizens by blood of the Creek Nation, numbered 9916 to 9923, inclusive, whose names, the Commission say, have been regularly listed for enrollment on Creek Indian card numbered 3858 and who were living on the 1st day of April, 1899 and are found either on the 1890 authenticated Creek roll or are descendants of persons whose names are found upon said roll, born since the rolls were made. On the roll transmitted are the names of Chaney Trent and the members of her family only. The records of this office show that all the persons whose names are mentioned were parties to the application of Chaney Trent.

There is inclosed a protest of the Creek Nation against the approval of the roll.

In connection with this roll attention is invited to Department letter of December 14, 1904, -- I.T.D. 12,516 -- directing the Commission to proceed "at once with the enrollment of Chaney Trent and her family".

The Department has decided that these applicants are entitled to enrollment and the protest does not seem to contain any allegations, even if true, sufficient to warrant the Department taking adverse action on the roll, or in further considering the case. I therefore recommend the approval of the roll.

Very respectfully,

C. F. Larrabee,

Acting Commissioner.

(G.A.W.) P.

D.C. 5450-1905.

DEPARTMENT OF THE INTERIOR,  
WASHINGTON.

J.W.H.

I.T.D. 784-1905.  
LRS

THE  
January 28, 1905.

Commission to the Five Civilized Tribes,  
Muskogee, Indian Territory.

Gentlemen:-

January 14, 1905, you transmitted for departmental approval a partial roll, in duplicate, of citizens by blood of the Creek Nation, numbered 9916 to 9923, inclusive, including persons whose names have been regularly listed for enrollment and who were living on April 1, 1899, and whose names are found either upon the 1890 authenticated roll or who are the descendants of persons whose names are found upon said roll, born since the same was made.

With your communication you transmitted a protest against the enrollment of these persons, filed by the Principal Chief of the Creek Nation.

Reporting in the matter January 23, 1905, the Acting Commissioner of Indian Affairs states, in connection with the protest, that it "does not seem to contain any allegations, even if true, sufficient to warrant the Department taking adverse action on the roll, or in further considering the case." He therefore recommends the approval of the roll.

It is noted that the protest of the Creek Nation, which is in fact an argument against the enrollment of these persons, bears no evidence of service upon the parties to whom it relates, nor does it present any legal reason not heretofore considered. It is unsupported by evidence.

The Department accordingly concurs in the recommendation of the Acting Commissioner. Said roll has this day been approved, and one part thereof is returned herewith for appropriate disposition.

A copy of the Acting Commissioner's letter is inclosed.

Respectfully,

(Signed) Thos. Ryan,  
Acting Secretary.

2 inclosures.

*JS*  
No. 78.

Muskogee, Indian Territory, February 7, 1905.

Frank Trent,

Wagoner, Indian Territory.

Dear Sir:-

You are hereby advised that your name is contained in the partial list of citizens by blood of the Creek Nation, approved by the Secretary of the Interior, January 28, 1905, and that application for a selection of land in the Creek Nation may now be made at the office of the Commission in Muskogee, Indian Territory.

Respectfully,

Chairman.

1024  
Ex. 78.

Muskogee, Indian Territory, February 7, 1905.

Mary Trent,

Wagoner, Indian Territory.

Dear Madam:-

You are hereby advised that your name is contained in the partial list of citizens by blood of the Creek Nation, approved by the Secretary of the Interior, January 28, 1905, and that application for a selection of land in the Creek Nation may now be made at the office of the Commission in Muskogee, Indian Territory.

Respectfully,

Chairman.



Muskogee, Indian Territory, February 7, 1905.

Chaney Trent,

Wagoner, Indian Territory.

Dear Madam:

You are hereby advised that your name and the names of your minor children, Will, Susie, Lee Drew, Bennie and Fannie C. Trent, are contained in the partial list of citizens by blood of the Creek Nation, approved by the Secretary of the Interior, January 28, 1905, and that application may now be made for selection of land in the Creek Nation for yourself and said minor children at the office of the Commission, in Muskogee, Indian Territory.

Respectfully,

Chairman.

CR EN 79

CR EN 79

DEPARTMENT OF THE INTERIOR,  
COMMISSION TO THE FIVE CIVILIZED TRIBES,  
MUSKOGEE LAND OFFICE, OCT. 13, 1900.

In the matter of the application of William C. Garrett for the enrollment of himself and two minor children, Ethel and Arlene M. Garrett, as citizens of the Creek Nation.

WILLIAM GARRETT, being duly sworn testified as follows, to-wit;  
(By the Commission)

- Q As a citizen of what Nation are you making application for enrollment? A Creek Nation.
- Q What is your name? A William C. Garrett.
- Q What is your age? A 39.
- Q What is your post office address? A Muskogee.
- Q For whom are you applying for enrollment? A Myself and two minor children.
- Q What is the name and age of the oldest child? A Ethel Garrett, four years old.
- Q What is the name and age of the next oldest child? A Arlene M. Garrett, age one.
- Q These two children are both now living? A Yes sir.
- Q Ethel and Arlene M. Garrett were both born subsequent to the making of the 1890 and 1895 rolls of the Creek Nation were they not? A Yes sir.
- Q Have you and your two minor children ever been recognized by the tribal authorities of the Creek Nation as citizens of the Creek Nation? A Yes sir.
- Q Both been enrolled by the authorities of the Creek Nation as citizens of the Creek Nation? A The older child is, but the younger has never been enrolled.
- Q Does your name appear upon the tribal rolls of the Creek Nation? A Yes sir.
- Q Does the names of your two children appear on the tribal rolls of the Creek Nation? A The name of the older does; I don't know anything about the younger.
- Q Have you made application to have the name of your youngest child placed on the tribal rolls of the Creek Nation? A No sir, I don't think it was necessary.
- Q Does your name appear upon the roll of the Creek freedmen made by Major Dunn in 1867? A You say it is, I don't know anything about that.

The roll of Creek Freedmen made by Major Dunn in 1867 examined and the name of William Garrett found thereon at number 1078.

Also the authenticated roll of Creek Nation Arkansas town examined, and the name of Willie Garrett found thereon at page 25.

Also the 1895 authenticated roll of the Creek Nation Coweta town examined, and the name of William C. Garrett found thereon.

The name of Ethel Garrett appears on the 1895 authentic roll of the Creek Nation, Coweta town, in led pencil, marked as "Ethel Garrett, new born."

- Q What is the name of your father? A John Garrett.
- Q Is he now living? A No.
- Q Was he a citizen of the Creek Nation? A No.
- Q What is the name of your mother? A Sallie Davis.
- Q Is she now living? A No.

- Q Was she a citizen of the Creek Nation? A Yes sir, I suppose so.
- Q How long ago did your mother die? A I couldn't tell you.
- Q Did she die before the war? A I couldn't tell you that; I don't know my mother or anything about it; I never knew her. She died when I was quite young.
- Q Did you have an owner? A Nobody ever owned me that I know of.
- Q You wasn't the slave of anybody? A Certainly not.
- Q You were free? A I think so; I always considered myself free and am yet.
- Q What is the name of the mother of these two children?
- A Maude Garrett.
- Q Is she now living? A Yes sir.
- Q Is she a citizen of the Creek Nation? A No.
- Q Is she a citizen of any nation in the Indian Territory?
- A No, not Cherokee.
- Q Does her name appear on the rolls of the Cherokee Nation?
- A I don't know; I never saw it there; she says it does.
- Q Did she ever draw any money from the Cherokee Nation?
- A She says she has.
- Q Is she now living? A Yes sir.
- Q She is a recognized citizen of the Cherokee Nation? A Yes sir.
- Q You are a recognized citizen of the Creek Nation? A Yes sir.
- Q You formerly belonged to the Arkansas town and was transferred to Coweta town? A I think so to the best of my knowledge; that is a matter I know very little about.
- Q Are you advised that section 21 of the Act of Congress, entitled "An act for the protection of the people of the Indian Territory and for other purposes," approved June 28th 1898 contains the following provisions: "The several tribes may by agreement determine the right of persons who for any reason may claim citizenship in two or more tribes, and to allotments of lands and distribution of moneys belonging to each tribe; and if no such agreement be made then such claimant shall be entitled to such rights in one tribe only and may elect in which tribe he will take such rights. But if he fail or refuse to make such selection in due time, he shall be enrolled in the tribe with which he resides, and there be given allotments and distribution, and not otherwise?" A Yes sir.
- Q You are the father of these two children? A Yes sir.
- Q Where do these two children now live? A With me.
- Q Do they live with you in the Creek Nation? A Yes sir.
- Q How long have they lived with you there? A All their natural lives.
- Q How long have you resided in the Creek Nation? A All my life.

You will be furnished at a later date with a copy of the decision of the Commission with reference to the application made by you at this time for the enrollment of yourself and your two minor children Ethel and Arlene M. Garrett as citizens of the Creek Nation, mailed to you at your proper post office address at Muskogee, Indian Territory.

The Commission will transmit such copy of this application as has been taken at this time, together with the copy of the decision of the Commission with reference to the application for yourself and two minor children, to the Honorable secretary of the Interior, when the final rolls of the citizens of the Creek Nation are forwarded to him for his consideration and approval.

Edw. J. [illegible]

WITNESSES ARE SWORN TO before us this 13 day of Oct 1911

Chas. L. [illegible]  
[illegible]

Creek Enrollment  
Case No. 797

Muskogee, Indian Territory, December 1, 1902.

William C. Garrett,

Muskogee, Indian Territory.

Dear Sir:

You are hereby notified that the Commissioner of Indian Affairs, reporting to the Department under date of February 14, 1902, in the matter of the application made by you for the enrollment of yourself and children, Ethel and Arlene M. Garrett, as citizens of the Creek Nation, recommended that this Commission be directed to place the names of yourself and said children upon the Creek roll, and that the Acting Secretary of the Interior, under date of November 21, 1902, concurs in the recommendation of the Commissioner of Indian Affairs.

You are further notified that, in accordance with the decision of the Acting Secretary of the Interior, yourself and your two children, Ethel and Arlene M. Garrett, have been regularly listed for enrollment as citizens of the Creek Nation.

Respectfully,

Acting Chairman.

Registered.



Creek Enrollment  
Case No. 79.

Muskogee, Indian Territory, December 1, 1902.

N. A. Gibson, Esq.,

E. Hastain, Esq.,

Attorneys for William C. Garrett et al.,

Muskogee, Indian Territory.

Gentlemen:

You are hereby notified that the Commissioner of Indian Affairs, reporting to the Department under date of February 14, 1902, in the matter of the application made by William C. Garrett for the enrollment of himself and children, Ethel and Arlene M. Garrett, as citizens of the Creek Nation, recommended that this Commission be directed to place the names of the above parties upon the Creek roll, and that the Acting Secretary of the Interior, under date of November 21, 1902, concurs in the recommendation of the Commissioner of Indian Affairs.

You are further notified that, in accordance with the decision of the Acting Secretary of the Interior, William C. Garrett and his two children, Ethel and Arlene M. Garrett, have been regularly listed for enrollment, as citizens of the Creek Nation.

Respectfully,

Acting Chairman.



COPY

Creek Enrollment  
Case No. 79.

Muskogee, Indian Territory, December 1, 1902.

A. P. McKellop, Esq.,

H. C. Reed, Esq.,

Attorneys for the Creek Nation,

Muskogee, Indian Territory.

Gentlemen:

You are hereby notified that the Commissioner of Indian Affairs, reporting to the Department under date of February 14, 1902, in the matter of the application made by William C. Garrett for the enrollment of himself and children, Ethel and Arlene M. Garrett, as citizens of the Creek Nation, recommended that this Commission be directed to place the names of the above parties upon the Creek roll, and that the Acting Secretary of the Interior, under date of November 21, 1902, concurs in the recommendation of the Commissioner of Indian Affairs.

You are further notified that, in accordance with the decision of the Acting Secretary of the Interior, William C. Garrett and his two children, Ethel and Arlene M. Garrett, have been regularly listed for enrollment, as citizens of the Creek Nation.

Respectfully,

Acting Chairman.

Mr. Maud Garrett,  
Creek Enrollment  
Card No. 1733.

Seal of the Indian Territory, December 1, 1902

Cherokee Enrollment Division,

Commission to the Five Civilized Tribes.

Gentlemen:

You are hereby advised that the Acting Secretary of the Interior, under date of November 21, 1902, directed the Commission to enroll William C. Garrett and his two children, Ethel and Arlene M. Garrett, as citizens of the Creek Nation.

You are further advised that in accordance with Departmental decision, the parties above named have been regularly enrolled as citizens by adoption of the Creek Nation, on Creek Freedmen Card, Field No. 1733.

It appears from the records of the Creek Enrollment Division that Maud Garrett, mother of said Ethel and Arlene M. Garrett, is a recognized citizen of the Cherokee Nation.

Respectfully,

Acting Chairman.

**DEPARTMENT OF THE INTERIOR,  
COMMISSION TO THE SEVEN CIVILIZED TRIBES.**

In the matter of the application of William C. Garrett for the enrollment of himself and his minor children Ethel Garrett and Arlene M. Garrett as citizens of the Creek Nation.

**D E C I S I O N .**

It appears from the record in this case that on October 13, 1900, William C. Garrett appeared before this Commission at Muskogee, Indian Territory, and made application for the enrollment of himself and his two minor children Ethel Garrett and Arlene M. Garrett as citizens of the Creek Nation; that the said William C. Garrett is a recognized citizen of the Creek Nation and that his name is found upon the roll of Creek freedmen made by J. W. Dunn in 1867, under authority of the United States and that his wife, Maud Garrett, the mother of said children, is a recognized citizen of the Cherokee Nation.

It does not appear that said children Ethel Garrett and Arlene M. Garrett have ever been recognized as citizens of the Creek Nation by the tribal authorities thereof or duly and lawfully enrolled or admitted as such, and their names cannot be found upon any authenticated roll of the Creek Nation now in the possession of this Commission.

It further appears that said William C. Garrett elected to have his said children enrolled and take allotment of land and distribution of moneys in the Creek Nation.

Paragraph 5 of Section 21 of the Act of Congress approved June 28, 1898, (30 Stats. 495) provides:

"The roll of Creek freedmen made by J. W. Dunn, under authority of the United States, prior to March 14th, 1867, is hereby confirmed, and said Commission is directed to enroll all persons now living whose names are found on said rolls, and all descendants born since the date of said roll to persons whose names are found thereon with such other persons of African descent as may have been rightfully admitted by the lawful authorities of the Creek Nation."

And Paragraph 8 of said section of said act provides:

"The several tribes may by agreement, determine the right of persons who for any reason may claim citizenship in two or more tribes, and to allotment of lands and distribution of moneys belonging to each tribe; but if no such agreement be made, then such claimant shall be entitled to such rights in one tribe only, and may elect in which tribe he will take such right; but if he fail or refuse to make such selection in due time, he shall be enrolled in the tribe with whom he has resided, and there be given such allotment and not elsewhere."

The Commission holds that the word "descendants" as used in said act above quoted, is meant descendants in the female line according to the usages and customs of the tribes to which said act relates; that in the Creek Nation descent is in the female line when the mother is a recognized member of any Indian tribe; that to establish a right to enrollment in the tribe of his father, it must be shown that the applicant has been duly and lawfully adopted, enrolled or admitted to citizenship in said tribe; and that the action of the tribal authorities in adopting, either by special act or by the approval of tribal rolls, certain descendants of a female member of another tribe, who are specifically named in said act or upon said rolls, cannot be construed as an adoption of children then unborn when the mother herself has not been so adopted.

The authority of the Commission to hear and determine original applications for citizenship expired by limitation November 9, 1896, and the authority of the tribal councils and legislatures or legally constituted courts or committees designated by the several tribes to hear and determine such applications expired by limitation October 10, 1896 in accordance with the provisions of the act of Congress approved June 10, 1896 ( 29 Stats. 321). Paragraph 8 of the act of June 28, 1898, above quoted, did not revive or renew that authority, either in the Commission or in the tribes, and under its provisions these persons only whose names were upon the authenticated rolls of two or more tribes on June 28, 1898, or who had been duly and lawfully adopted, enrolled or admitted as citizens of two or more tribes prior to said date can elect in which of said tribes they will be enrolled and take allotment of lands and distribution of moneys.

It is therefore the opinion of this Commission that said William C. Garre is a Creek freedman and should be enrolled as a citizen of the Creek Nation in accordance with the provision of the act of Congress approved June 28, 1898 ( 30 Stats. 495), and that said Ethel Garrett and Arlene H. Garrett are not citizens of the Creek Nation by blood or adoption and that the application for their enrollment as citizens of said Nation should be denied, and it is so ordered.

The Commissioner to the Five Civilized Tribes.

Dated at Okmulgee, Indian Territory,  
this the 17th day of May, 1901.

  
Acting Chairman.

  
Commissioner.

Commissioner.

(COPY)

Muskogee, Indian Territory, January 18, 1903.

William C. Garrett,

Muskogee, Indian Territory.

Dear Sir:

There is herewith enclosed a copy of the decision of the Commission to the Five Civilized Tribes in the matter of the application made by you for the enrollment of yourself and children, Ethel Garrett and Arlene M. Garrett, as citizens of the Creek Nation.

The decision, with a copy of the proceedings had in the case, is this day transmitted to the Secretary of the Interior for his review and decision. The final decision of the Secretary will be made known to you as soon as the Commission is informed of the same.

Yours truly,

T.B.Needles.

Commissioner in charge.

1 enclosure  
WCC-79.  
Registered.

(COPY)

Muskogee, Indian Territory, January 18, 1903.

W. A. Gibson, Esq.,

Attorney for Wm. C. Garrett,

Muskogee, Indian Territory.

Dear Sir:

There is herewith enclosed a copy of the decision of the Commission to the Five Civilized Tribes in the matter of the application for the enrollment of William C. Garrett and children, Ethel and Arlene M. Garrett, as citizens of the Creek Nation.

The decision, with a copy of the proceedings had in the case, is this day transmitted to the Secretary of the Interior for his review and decision. The final decision of the Secretary will be made known to you as soon as the Commission is informed of the same.

Yours truly,

T. B. Needles.

Commissioner in charge.

1 enclosure KAG-79.  
Registered.

(COPY)

Muskogee, Indian Territory, January 18, 1903.

A. P. McKelloy Esq.,

H. C. Reed, Esq.,

Attorneys for Creek Nation,

Muskogee Indian Territory.

Gentlemen:

There is herewith enclosed a copy of the decision of the Commission to the Five Civilized Tribes in the matter of the application for the enrollment of William C. Garrett and children, Ethel and Arlene M. Garrett, as citizens of the Creek Nation.

The decision, with a copy of the proceedings had in the case, is this day transmitted to the Secretary of the Interior for his review and decision. The final decision of the Secretary will be made known to you as soon as the Commission is informed of the same.

Yours truly,

T. B. Needles.

Commissioner in charge.

1 enclosure  
MAR-79.  
Registered.



( COPY )

Muskogee, Indian Territory, January 18, 1902.

The Honorable,

The Secretary of the Interior.

Sir:

There is herewith transmitted the record of proceedings in the matter of the application of William C. Garrett for the enrollment of himself and children, Ethel and Arlene M. Garrett, as citizens of the Creek Nation, including the decision of the Commission, dated May 17, 1901, enrolling said William C. Garrett as a citizen of said nation, and denying the application for enrollment of Ethel and Arlene M. Garrett as citizens of said nation.

Respectfully,

T.B.Needles.

Commissioner in charge.

1 enclosure  
Creek 79.

Through the Commissioner  
of Indian Affairs.

COPY

Refer in reply to  
the following:

Land.  
4549-1902,  
8984-1902.

DEPARTMENT OF THE INTERIOR,

Office of Indian Affairs,

WASHINGTON, February 14, 1902.

The Honorable

The Secretary of the Interior.

Sir:

There is inclosed herewith a report dated January 18, 1902, from T. B. Needles, Esq., Commissioner in charge of the work of the Commission to the Five Civilized Tribes, forwarding for the consideration of the Department the record relative to the application of William C. Garrett for the enrollment of himself and his children Ethel and Arlene M. Garrett, as citizens of the Creek Nation. There is also inclosed a communication from N. A. Gibson and E. Hastain, attorneys for said applicants, with which they forwarded a brief relative to said case.

It appears from the record in this case that William C. Garrett, the father of said minor children, is a Creek freedman, and that his name appears on the roll made by J. W. Dunn in 1867. The record shows that Maud Garrett, the mother of the said minor children, is a citizen of the Cherokee Nation.

May 17, 1901, the Commission held that the word "descendants", as used in paragraph 5 of section 21 of the Curtis act, means descendants in the female line according to

the usages and customs of the tribe to which said act relates. The Commission further held that William C. Garrett, the father of these minor children, is entitled to enrollment as a Creek freedman, and that the minor children Ethel and Arlene M. are not citizens of the Creek Nation by blood or adoption, and should not, therefore, be enrolled.

The attorneys, in their brief, discuss the matter fully, and invite attention particularly to the testimony of Pleasant Porter, Joshua Ross, Sue M. Rogers and A. P. McKellop, in the Lerblanche case which was transmitted with report of even date, and conclude their brief with a prayer that the decision of the Commission be reversed, and said two minor children be enrolled as citizens of the Creek Nation.

From the record in this case the office believes that these children are <sup>fit</sup>entitled to enrollment as citizens of the Creek Nation. The record shows that their father is a Creek freedman and that his name appears on the Dunn Roll. The Curtis Act declares that the names of all Creek freedmen "now living" shall be placed on the Creek Roll, and also that "all descendants born since the date of said roll and persons whose names are found thereon" shall also be enrolled.

There can be no question as to the descent of these children and their enrollment seems to hinge on the word "descendants" as used in said paragraph. This matter was fully discussed by the office in the Lerblanche case and it is thought unneces-

nary to further discuss the subject in this report.

The office is, however, of the opinion that these children should be enrolled as citizens of the Creek Nation, and respectfully recommends that the Commission be instructed to enroll said minor applicants with their father as citizens of the Creek Nation.

Very respectfully,

Your obedient servant,

W. A. JONES.

Commissioner.

GAW  
D

2 inclosures.

COPY

I.T.D. 1095-1902.

DEPARTMENT OF THE INTERIOR.  
WASHINGTON.

FILE.

November 21, 1902.

LRS.

Commission to the Five Civilized Tribes,  
Muskogee, Indian Territory.

Gentlemen:

The Department has considered the case involving the application of William C. Garrett for the enrollment of himself and his minor children, Ethel and Arlene M. Garrett, as citizens of the Creek Nation, No. 79, submitted with your letter of January 8, 1902.

It appears that Garrett is a recognized citizen of said Nation and that his name appears upon the roll of Creek freedmen made by J. W. Dunn in 1867; that his wife, the mother of said children, is a recognized citizen of the Cherokee Nation; that the names of said children do not appear upon any authenticated roll of the Creek Nation in your possession. Under paragraph 8 of section 21 of the act of June 28, 1898 (30 Stat., 495), Garrett elects to have his children enrolled in the Creek Nation.

Referring to paragraph 5 of said section 21, you held, rejecting the application as to said children, that the word descendants used therein, means "descendants in the female line according to the usages and customs of the tribes to which said act related;" that in the Creek Nation descent is in the female line; that therefore said children are not citizens of the Creek Nation, and William C. Garrett is a Creek freedman and should be enrolled.

Reporting in the matter February 14, 1902, the Commissioner of Indian Affairs states that he is of the opinion that said children should be enrolled with their father as citizens of the Creek Nation. He referred to his communication in the case of Lillian and Pearl Lerblance, the subject of departmental decision of November 20, 1902. In accordance with the ruling in that case, your decision is hereby reversed, as to Ethel and Arlene M. Garrett, and affirmed as to William C. Garrett. A copy of the Commissioner's letter is inclosed. Argument for applicants in this case was filed by W. A. Gibson and E. Hastain, of Muskogee.

Respectfully,

THOS. RYAN.

Acting Secretary.

CR EN 80

CR EN 80



COMMISSIONERS

HENRY L. DAWES,  
TAMM BIXBY,  
THOMAS B. NEEDLES,  
C. R. BRECKINRIDGE

ALLISON L. AYLESWORTH,  
SECRETARY

DEPARTMENT OF THE INTERIOR,

COMMISSION TO THE FIVE CIVILIZED TRIBES.

ADDRESS ONLY THE  
COMMISSION TO THE FIVE CIVILIZED TRIBES

Muskogee, Indian Territory, FEB 1 1902, 1902.

Received on this date from the Commission to the Five  
Civilized Tribes a copy of the record of proceedings in the matter  
of the application of Susie Ross et al. for enrollment as citizens  
of the Creek Nation.

A. P. M. Keener

Attorney for Creek Nation.

Creek No. 80.

DEPARTMENT OF THE INTERIOR,  
COMMISSION TO THE FIVE CIVILIZED TRIBES.  
MUSKOGEE LAND OFFICE, OCT. 12, 1900.

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In the matter of the application of Susie Ross, for the enrollment of herself and two minor children,  
Arthur Ross, and  
Minnie Ross,  
as citizens of the Creek Nation:

SUSIE ROSS, being duly sworn, testified as follows:  
(By the Commission)

- Q As a citizen of what nation are you an applicant for enrollment?  
A Creek Nation.  
Q Did you ever make application for enrollment as a citizen of the Creek Nation before this time? A No sir.  
Q What is your name? A Susie Ross.  
Q What is your age? A 22.  
Q What is your post office address? A Rufaula, Indian Territory.  
Q Did you make application for the enrollment of anyone excepting yourself as citizens of the Creek Nation? A Yes sir, myself and my children.  
Q What is the name of your oldest child, and its age? A Arthur Ross, two years old.  
Q What is the name and age of the next oldest child? A Minnie Ross, seven months old.  
Q Are these two children both now living? A Yes sir.  
Q They were both born subsequent to the making of the rolls of the Creek Nation in 1890 and 1895 were they not? A Yes sir.  
Q You are the mother of both of these children? A Yes sir.  
Q Have you ever been recognized by the tribal authorities of the Creek Nation as a citizen thereof? A Yes sir.  
Q Have you ever been enrolled by the Creek tribal authorities as a citizens of the Creek Nation? A Yes sir.  
Q Does your name appear on the tribal rolls of the Creek Nation?  
A Yes sir.

The authenticated tribal rolls of the Creek Nation of 1890, Arkansas town examined and the name of Susie Lewis found thereon at page 21.

Also the 1895 authenticated census roll of the Creek Nation, Arkansas town examined, and the name of Susan Lewis found thereon together with the name of her father George Lewis, and Sarah Lewis her sister and Joe Lewis her brother.

- Q  
QQ Have you ever been called Susan Lewis? A Yes sir.  
Q What is the name of your father? A George Lewis.  
Q Is he now living? A Yes sir.  
Q Is his name to be found on any of the rolls of the Creek Nation?  
A Yes sir.  
Q To what town in the Creek Nation does he belong? A Arkansas.  
Q You make application here for the enrollment of yourself as a Creek freedman on the ground that your father's name is to be found on the roll of Creek Freedmen made by Major Dunn in 1867.  
A I guess so.  
Q You were born subsequent to the making of the Dunn roll were you not? A Yes sir.

The roll of Creek Freedmen made by Major Dunn in the year 1867 examined and George Lewis found thereon under the name of George Bruner at number 1238.

Q Your father, George Lewis has been enrolled as a citizen of the Creek Nation has he not? A Yes sir.

Upon examination of the records of the Commission, it appears that George Lewis is enrolled, together with his daughter, Sarah Ann Lewis on Creek freedman card, No. 415, and that a citizenship certificate was duly issued to them by the Commission to the Five Civilized Tribes, June 5th, 1899.

Q Has your father been recognized by the tribal authorities of the Creek Nation as a citizen thereon? A Yes sir.

Q Has he ever been enrolled by the Creek tribal authorities as a citizen of the Creek Nation? A Yes sir.

Q Does his name appear on the tribal rolls of the Creek Nation? A Yes sir.

The authentic tribal roll of the Creek Nation, for the year 1890, Arkansas town examined and the name of George Lewis was not found thereon.

The authenticated tribal roll of the Creek Nation of 1895, Arkansas town examined and the name of George Lewis was found thereon, at number 1798.

Also the 1891 omitted roll, Arkansas town examined and the name of George Lewis was found thereon at Number 282.

Q What is the name of your mother? A Lila Adams.

Q She is now living? A Yes sir.

Q Is she a citizen of the Creek Nation? A Yes sir.

Q Has she ever made any claim to citizenship in any other Nation excepting the Creek Nation? A No sir.

Q She is not a citizen of either the Choctaw, Chickasaw or Cherokee or Seminole Nation? A No sir.

Q Do you know whether or not her name is on the Dunn roll? A I do don't know exactly.

The roll of Creek Freedmen made by Major Dunn in 1867 examined and the name of Lila Adams, nor any person answering her description is not found thereon.

Q Has your mother ever been recognized by the tribal authorities of the Creek Nation as a citizen of the Creek Nation? A Yes sir.

Q Does her name appear on the tribal rolls of the Creek Nation?

A That is what she said, I don't know.

Q Has she ever been enrolled by the Creek tribal authorities as a citizen of the Creek Nation? A I don't know sir.

Q Did your mother ever have any other names besides Lila Adams? A Yes sir.

Q Under what name was she known? A Lila Lewis.

Q She was the wife of your father, George Lewis? A Yes sir.

Q They separated several years ago, did they not? A Separated when we was small; I don't know how long.

Q After the separation, she married a man by the name of Adams.

A Yes sir.

The authenticated tribal roll of the Creek Nation, Arkansas town examined and the name of Lila Lewis found thereon at page 21.

Also the authenticated tribal rolls of 1895 of the Creek Nation, Arkansas town examined, and the name of Lila Lewis found thereon.

- Q Do you know whether or not your mother has ever been enrolled by the Commission to the Five Civilized Tribes as a citizen of the Creek Nation? A No sir, I don't.

Upon an examination of the records of the Commission to the Five Civilized Tribes, it appears that Lila Lewis or Lila Adams has not been listed for enrollment by this Commission.

- Q Your mother is not a citizen of any other nation in the Indian Territory? A No sir, she aint.  
Q Where do you live? A In Eufaula.  
Q Do you make your residence there? A Yes sir.  
Q How long have you lived there? A I haven't lived there over three years; it is going on 4 now.  
Q Have you lived there continuously during that time? A Yes sir.  
Q Where did you live prior to going to Eufaula? A I lived with papa. at Choska, between the rivers.  
Q Choska is in the Cherokee Nation? A No sir, in the Creek Nation.  
Q Have you lived in the Creek Nation all your life? A Yes sir.  
Q Never been outside of it? A No sir.  
Q Are you married? A Yes sir.  
Q What is the name of your husband? A Eddie Ross.  
Q Is he a citizen of the Creek Nation? A Yes sir.  
Q Are you now living with him? A Yes sir.  
Q Have you been legally married to him? A Yes sir.  
Q Did you get a license from the United States court to be married to him? A Yes sir.  
Q Have you that license with you? A No sir.  
Q You were married by a minister? A Yes sir.  
Q Who married you? A Mr. Phillips is all I know.  
Q Is Eddie Ross the father of both these children? A Yes sir.  
Q Has he been recognized by the tribal authorities of the Creek Nation as a citizen of the Creek Nation? A Yes sir.  
Q Has he been enrolled by the Creek tribal authorities as a citizen of the Creek Nation? A I don't know sir; I guess he has.  
Q Does his name appear on the tribal rolls of the Creek Nation? A Yes sir.

Upon the examination of the records of the Commission to the Five Civilized Tribes it appears that the name of Eddie Ross is enrolled on Creek Freedman card No. 1200; and that a citizenship certificate was duly issued to him Nov. 7th, 1899. Also the 1890 authenticated roll of Creek Nation, Hickory Ground town examined, and the name of Addie Ross found thereon at page 125.

- Q Is there any additional statement in regard to your application that you desire to make at this time? A No sir.  
Q Have you any brothers or sisters? A Yes sir.  
Q How many brothers have you? A I have got two brothers.

Q What are their names? A Joseph and Robert.  
 Q How many sisters? A Two sisters.  
 Q What are their names? A Harriet and Sarah Ann Lewis.  
 Q Are these sisters both now living? A Yes sir.  
 Q Are they your sisters? A Yes sir.  
 Q By the same father and the same mother? A A Yes sir, one was a different mother.  
 Q Which one was that? A Sarah Ann.  
 Q Sarah Ann is a half sister? A Yes sir.  
 Q She is the daughter of the present wife of your father? A Yes sir.

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GEORGE LEWIS, being duly sworn, testified as follows:  
 (By the Commission)

Q What is your name? A George Lewis.  
 Q What is your age? A 45.  
 Q What is your post office address? A Choska.  
 Q How long have you lived at Choska? A I have been there for about five years now; about 4 or 5.  
 Q Do you know Susie Lewis who makes application for enrollment as a citizen of the Creek Nation? A Yes sir.  
 Q What relation are you to her? A I am her father.  
 Q Have you been recognized by the tribal authorities of the Creek Nation as a citizen of the Creek Nation? A Yes sir.  
 Q You have been enrolled by the Creek tribal authorities have you not? A Yes sir.  
 Q Have you been enrolled by the Commission to the Five Civilized Tribes as a citizen of the Creek Nation? A Yes sir.  
 Q Are you filing on your allotment of land in the Creek Nation?  
 A Yes sir.

Upon an examination of the records of the land office it appears that George Lewis filed on his allotment of land in the Creek Nation June 12th, 1899.

Q Have you any other children? A Yes sir.  
 Q What are their names? A Joseph, Harriet, Rafort, Susie and Sarah Ann.  
 Q Are they all living? A Yes sir.  
 Q Are they citizens of the Creek Nation? A Yes sir.  
 Q Have they been enrolled as citizens by the Dawes Commission?  
 A Yes sir; Rafort has not; all except Rafort have.  
 Q Have they all filed on their allotment of lands except Rafort? A  
 A Excepting Rafort and daughter Susie.  
 Q You identify Susie Ross here as your daughter? A Yes sir.  
 Q Who is the mother of Susie Ross? A Lila Adams now.  
 Q Is Lila Adams now living? A Yes sir.  
 Q Is she a citizen of the Creek Nation? A Yes sir.  
 Q You are now separated from her? A Yes sir.  
 Q How long have you been separated? A About 14 or 15 years.  
 Q Does she make any ~~any~~ claim to citizenship in any other nation in the Indian Territory, except the Creek Nation? A No sir.  
 Q Do you know whether or not her name appears on the rolls of any other Nation in the Indian Territory except the Creek rolls? A No sir, I don't know it.  
 Q Is the name of Lila Adams on the Dunn roll? A Not as I know; I couldn't say that.  
 Q Is she a Creek Freedman or Indian.  
 A She was an Indian I think; her mother was a full fledged Indian and her father was a colored man.

- Q To what town in the Creek Nation does she belong? A Arkansas. She used to belong to Okmulgee District town.
- Q She belonged to some Indian town and was transferred to a colored town? A Yes sir.
- Q Do you know what Indian town she belonged to? A No sir, Okmulgee District; some place out there.
- Q Can you give any reason why your daughter has not appeared before for enrollment as a citizen of the Creek Nation?
- A She has been down there, and I written to her to come and she written back to me she was sick and kept so puny she didn't come and I tried to enroll for her and they wouldn't allow me to enroll.
- Q Why wouldn't they allot you to enroll her? A They said she was of age.
- Q Where did you write to her? A At Eufaula.
- 

E. Hastain, having been first duly sworn, upon his oath states that as stenographer to the Commission to the Five Civilized Tribes, he reported in full all proceedings had in the above entitled cause on the 12th day of October, 1900, and that the above and foregoing is a full, true and correct transcript of his stenographic notes, of said proceedings on said date.

E. Hastain

SUBSCRIBED AND SWORN TO before me this 31st day of October, 1900 at Muskogee, Indian Territory.

Guy L. V. Emerson

Notary Public.

(Case continued to give applicant opportunity to bring in witnesses to identify her as the daughter of Lila and ~~Latta~~ George Lewis.)



DEPARTMENT OF THE INTERIOR  
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application of Susie Ross for the enrollment of herself and her two minor children Arthur Ross and Minnie Ross as citizens of the Creek Nation.

D E C I S I O N .

It appears from the record in this case that on October 12, 1900, Susie Ross appeared before this Commission at Muskogee, Indian Territory and made application for the enrollment of herself and her two minor children Arthur Ross and Minnie Ross as citizens of the Creek Nation claiming to be a Creek freedman.

It also appears that the said Susie Ross has been recognized as a citizen of the Creek Nation by the tribal authorities of the said Nation; that she is the daughter of George Lewis and Lila Adams formerly Lila Lewis, both of whom are recognized citizens of the Creek Nation.

It further appears that the name of Susie Ross, nee Lewis is found upon the 1890 authenticated Creek roll and upon the 1895 authenticated census roll of Arkansas Town of the Creek Nation; that her two minor children Arthur Ross and Minnie Ross have been born subsequent to the making of the last Creek tribal roll.

It is therefore the opinion of this Commission that the said Susie Ross should be enrolled as a Creek freedman in accordance with the provisions of Section Twenty-one of the act of Congress of June 26, 1898 (30 Stats. 495) and that the said children Arthur Ross and Minnie Ross should also be enrolled as Creek freedmen upon presentation of proof that they are the children of the said Susie Ross born to her subsequent to the date of the last authenticated Creek roll and it is so ordered.

The Commission to the Five Civilized Tribes.

Dated at Okmulgee, Indian Territory,

This the 11<sup>th</sup> day of May, 1901.

  
Acting Chairman.

Commissioner.

  
Commissioner.



(COPY)

Muskogee, Indian Territory, January 18, 1902.

The Honorable,

The Secretary of the Interior.

Sir:

There is herewith transmitted the record of proceedings in the matter of the application of Susie Ross for the enrollment of herself and children, Arthur and Minnie Ross, as citizens of the Creek Nation, including the decision of the Commission, dated May 11, 1901, enrolling said Susie Ross as a citizen of said nation, and providing for the enrollment of Arthur Ross and Minnie Ross upon presentation of proof of birth.

Respectfully,

T. B. Needles.

Commissioner in charge.

1 enclosure  
Creek 80.

Through the Commissioner  
of Indian Affairs.

(COPY)

Muskogee, Indian Territory, January 18, 1903.

Susie Ross,

Bufaula, Indian Territory.

Dear Madam:

There is herewith enclosed a copy of the decision of the Commission to the Five Civilized Tribes in the matter of the application made by you for the enrollment of yourself and children, Arthur and Minnie Ross, as citizens of the Creek Nation.

The decision, with a copy of the proceedings had in the case, is this day transmitted to the Secretary of the Interior for his review and decision. The final decision of the Secretary will be made known to you as soon as the Commission is informed of the same.

Yours truly,

T. B. Needles.

Commissioner in charge.

1 enclosure  
SR-80.  
Registered.

(COPY)

Muskogee, Indian Territory, January 18, 1903.

A. P. McKellop, Esq.,

H. C. Reed, Esq.,

Attorneys for Creek Nation,

Muskogee, Indian Territory.

Gentlemen:

There is herewith enclosed a copy of the decision of the Commission to the Five Civilized Tribes in the matter of the application for the enrollment of Susan Ross and children, Arthur and Minnie Ross, as citizens of the Creek Nation.

The decision, with a copy of the proceedings had in the case, is this day transmitted to the Secretary of the Interior for his review and decision. The final decision of the Secretary will be made known to you as soon as the Commission is informed of the same.

Yours truly,

T.B. Needles.

Commissioner in charge.

1 enclosure  
MAR 80.  
Registered.

(COPY)

13893

L.R.S.  
I.T.D.1268-1902.

F

Department of the Interior.  
Washington.

March 5, 1902.

Commission to the Five Civilized Tribes,  
Muskogee, I.T.

Gentlemen:

The Department has considered the application of Susie Ross for the enrollment of herself and two minor children, Arthur Ross and Minnie Ross, as citizens of the Creek Nation, claiming to be Creek freedmen.

It appears that the name of Susie Ross, formerly Lewis, is found upon the 1890 authenticated Creek roll, and the 1895 authenticated census roll of Arkansas Town of the Creek Nation; that her said two minor children were born subsequent to the making of the last Creek tribal roll. You found the parties were entitled to enrollment.

In his letter of February 18, 1902, the Commissioner of Indian Affairs concurs in your opinion.

The Department finding no reason to disturb your decision, it is affirmed.

Respectfully,

THOS. RYAN.  
Acting Secretary.  
EMD.

(COPY)

24803

DEPARTMENT OF THE INTERIOR

I.T.D. 1268,  
2447-1902.

WASHINGTON

WHR.

L.R.S.

April 25, 1902.

The Commission

to the Five Civilized Tribes,  
Muskogee, Indian Territory.

Gentlemen:

On March 5, 1902, the Department affirmed your decision in favor of the enrollment of Susie Ross and her two minor children, Arthur Ross and Minnie Ross, as citizens of the Creek Nation.

It was stated that the name of Susie Ross is found upon the 1890 authenticated Creek roll and upon the 1895 authenticated Census roll of Arkansas Town of said nation; that her said children were born subsequent to the making of the last Creek roll.

April 9, 1902, you transmitted an argument in the case by the attorneys for the Nation. This argument will be treated as in the nature of a motion for review.

It is urged by said attorneys that the name of Susie Ross, a colored person, is not found upon the Dunn Roll mentioned in Section twenty-one of the Act of June 28, 1898 (30 Stat., 495). It is admitted that her name is found on said 1890 and 1895 rolls.

Reference is made to Section one hundred and forty-eight

of the Creek laws, and it is contended that the applicants have never been legally adopted into the Creek Nation, and that the conclusion must be that Susie Ross' enrollment "on the pay roll of 1895" was procured by fraud or without authority of law.

This case is similar to a number of cases decided by the Department in which it was stated that fraud could not be presumed. If the enrollment of the principal applicant in this case was improperly procured, the Nation has had ample time to prove it. The Department has considered in connection with this matter your report of January 28, 1902, respecting a resolution of the Creek Council in regard to citizenship matters.

The Department sees no reason to change its decision and you will so advise said attorneys.

Respectfully,

THOS. RYAN.

Acting Secretary.

EMD.

COMMISSIONERS  
HENRY L. DAWES.  
TAMM BIXBY.  
THOMAS S. NEEDLES.  
C. R. BRECKINRIDGE.

ALLISON L. AYLESWORTH.  
SECRETARY

DEPARTMENT OF THE INTERIOR.  
COMMISSION TO THE FIVE CIVILIZED TRIBES.

(COPY)

REFER IN REPLY TO THE FOLLOWING

ADDRESS ONLY IN  
COMMISSION TO THE FIVE CIVILIZED TRIBES

Muskogee, Ind. Ter., April 2, 1902.

Susie Ross,

Kufaula, Ind. Ter.

Dear Madam:

You are hereby advised that the Secretary of the Interior, under date of March 5, 1902, affirmed the decision of the Commission, dated May 11, 1901, enrolling yourself and your two minor children, Arthur and Minnie Ross, as citizens of the Creek Nation.

Yours truly,

C. R. BRECKINRIDGE.  
Commissioner in Charge.

Creek-80.

OCH.



COMMISSIONERS  
HENRY L. DAWES.  
TAMM BIXBY.  
THOMAS B. NEEDLES.  
C. R. BRECKINRIDGE.

ALLISON L. AYLESWORTH.  
SECRETARY

DEPARTMENT OF THE INTERIOR.  
COMMISSION TO THE FIVE CIVILIZED TRIBES.

(COPY)

REFER IN REPLY TO THE FOLLOWING

ATTACHED ONLY IN  
MISSISSIPPI THE FIVE CIVILIZED TRIBES

Muskogee, Ind.Ter., April 2, 1902.

A. P. McKellop, Esq.,

H. C. Reed, Esq.,

Attorneys for the Creek Nation,

Muskogee, Indian Territory.

Gentlemen:

You are hereby advised that the Secretary of the Interior, under date of March 5, 1902, affirmed the decision of the Commission, dated May 11, 1901, enrolling Susie Ross, and her two minor children, Arthur and Minnie Ross, as citizens of the Creek Nation.

Yours truly,

C. R. BRECKINRIDGE.

Commissioner in Charge.

Creek-80.

OCH.

CR EU 81

CR EU 81

DEPARTMENT OF THE INTERIOR  
COMMISSION TO THE FIVE CIVILIZED TRIBES.  
MUSKOGEE, I. T. NOVEMBER 22, 1900.

In the matter of the application of Martha Davis for the enrollment of her minor child, Gooty Davis as a citizen of the Creek Nation, Martha Davis being duly sworn, testifies as follows, to wit:

(By the Commission).

- Q What is your name? A Martha Davis.
- Q What is your age? A 37
- Q What is your post office address? A Muskogee? I. T.
- Q Are you a citizen of the Creek Nation? A No sir.
- Q For whom are you making application for enrollment as a citizen at this time? A Gooty Davis.
- Q Is Gooty Davis your daughter? A Yes sir.
- Q How old is Gooty Davis? A One month and 28 days.
- Q Your daughter, Gooty Davis was born subsequent to the making of the Creek rolls, was she not? A Yes sir.
- Q Are you a citizen in any nation in the Indian Territory?
- A Yes sir, I am a citizen of the Cherokee Nation.
- Q Does your name appear on the rolls of the Cherokee Nation?
- A Yes sir.
- Q Does your name appear on the 1880 roll of the Cherokee Nation?
- A Yes sir.
- Q Have you had Gooty Davis' name placed on the Cherokee roll?
- A No sir.
- Q Have you ever been recognized by the tribal authorities of the Creek Nation as a citizen thereof, A No sir.
- Q Have you ever been enrolled by the tribal authorities of the Creek Nation? A No sir.
- Q Does your name appear on the tribal rolls of the Creek Nation?
- A No sir.
- Authenticated tribal rolls of the Creek Nation for the years 1890 and 1895 examined and the name of Martha Davis was not found thereon.
- Q Who is the father of Gooty Davis? A John Davis.
- Q Is he now living? A Yes sir.
- Q Is he a citizen of the Creek Nation? A Yes sir.
- Q He is your husband? A Yes sir.
- Q Has he ever been recognized by the tribal authorities of the Creek Nation as a citizen thereof? A Yes sir.
- Q Has he ever been enrolled by the tribal authorities of the Creek Nation as a citizen thereof? A Yes sir.
- Q Does his name appear on the tribal rolls of the Creek Nation?
- A Yes sir.
- Authenticated tribal rolls of the Creek Nation for 1890, Muckee Town examined and the name of John Davis found thereon at page 98.
- Authenticated tribal rolls of the Creek Nation of 1895, Muckee Town also examined and the name of John Davis found thereon.
- Q Does your husband, John Davis ever been enrolled by the Commission to the Five Civilized Tribes as a citizen of the Creek Nation? A Yes sir.
- The records of the Commission to the Five Civilized Tribes examined and the name of John Davis was found to be enrolled on Creek Card, number 19.
- Q Does the name of your husband, John Davis appear upon any of rolls of the Cherokee Nation? A No sir.
- Q Has he ever been recognized as a citizen of the Cherokee Nation?
- A No sir.

#2. Martha Davis.

- Q Where do you reside? A In the Creek Nation.  
Q In what part of the Creek Nation? A Ten miles north of Muskogee.  
Q How long have you resided there? A About two months.  
Q Where did you reside prior to going there? A In Muskogee.  
Q How long have you resided in Muskogee? A Nearly 6 years.  
Q Does your child, Gooty Davis reside with you? A Yes sir.  
Q Have you a home in the Creek Nation? A Yes sir.  
Q Have you a home in the Cherokee Nation? A No sir.  
Q Have you a home in the Creek Nation with improvements on it?  
A Yes sir.  
Q How long have you lived at that home? A About two months.  
Q Have you been enrolled by the Commission to the Five Civilized Tribes as a citizen of the Cherokee Nation? A No sir.  
Q Are you advised, Mrs. Davis that the Act of Congress approved June 28th, 1898, commonly known as the Curtis Bill contains the following provision:  
"The several tribes may by agreement determine the right of persons who for any reason may claim citizenship in two or more tribes and to allotment of lands and distribution of moneys belonging to each tribe, but if no such agreement be made then such claimant shall be entitled to such rights in one tribe only and may elect in which tribe he will take such right".  
A Yes sir.  
Q Have you any other statement that you desire to make at this time in regard to the application for the enrollment of your child, Gooty Davis as a citizen of the Creek Nation?  
A No sir.  
You will be furnished at a later date with a copy of the decision of the Commission to the Five Civilized Tribes with reference to the application made by you at this time for the enrollment of your minor child, Gooty Davis as a citizen of the Creek Nation, which will be mailed to you at your proper post office address at Muskogee, Indian Territory.

Lona Cummings having been first duly sworn, upon her oath states that as stenographer to the Commission to the Five Civilized Tribes, she reported in full all proceedings had in the above entitled cause on the 22nd day of November, 1900, and that the above and foregoing is a full, true and correct transcript of her stenographic notes, of said proceedings on said date.

Lona Cummings

Subscribed and sworn to before me this 22 day of Nov.  
A. D., 1900, at Muskogee, Indian Territory.

Guy L. V. Emerson  
Notary Public.

DEPARTMENT OF THE INTERIOR  
COMMISSION TO THE FIVE CIVILIZED TRIBES.  
MUSKOGEE, I. T. NOVEMBER 22, 1900.

In the matter of the application of Martha Davis for the enrollment of her minor child, Cherokee Davis as a citizen of the Creek Nation, Martha Davis being duly sworn, testifies as follows to wit:

(By the Commission)

- Q What is your name? A Martha Davis.
- Q What is your age? A 37 years old.
- Q What is your post office address? A Muskogee, I. T.
- Q Are you a citizen of the Creek Nation? A No sir.
- Q For whom are you making application for enrollment as a citizen of the Creek Nation? A For my little girl.
- Q What is her name? A Cherokee Davis.
- Q How old is Cherokee? A Three years old the 18th of March, 1901.
- Q Has she ever been recognized by the tribal authorities of the Creek Nation as a citizen thereof? A No sir.
- Q She was born subsequent to the making of the 1895 roll of the Creek Nation? A Yes sir.
- Q Are you a citizen of any nation in the Indian Territory?
- A Yes sir, I am a citizen of the Cherokee Nation.
- Q Does your name appear on the rolls of the Cherokee Nation?
- A Yes sir.
- Q Does your name appear upon the 1880 roll of the Cherokee Nation? A Yes sir.
- Q Did you ever have Cherokee's name placed on the Cherokee roll?
- A No sir.
- Q Have you ever been recognized by the tribal authorities of the Creek Nation as a citizen thereof? A No sir.
- Q Have you ever been enrolled by the tribal authorities of the Creek Nation? A No sir.
- Q Does your name appear on the tribal rolls of the Creek Nation?
- A No sir.
- Authenticated tribal rolls of the Creek Nation of 1890 and 1895 examined and the name of Martha Davis was not found thereon.
- Q Who is the father of Cherokee Davis? A John Davis.
- Q Is he now living? A Yes sir.
- Q Is he a citizen of the Creek Nation? A Yes sir.
- Q He is your husband, is he not? A Yes sir.
- Q Has he ever been recognized by the tribal authorities of the Creek Nation as a citizen thereof? A Yes sir.
- Q Has he ever been enrolled by the tribal authorities of the Creek Nation as a citizen thereof? A Yes sir.
- Q Does his name appear upon the tribal rolls of the Creek Nation?
- A Yes sir.
- Authenticated tribal rolls of the Creek Nation of 1890, Euchee Town examined and the name of John Davis found thereon at page 98.
- Authenticated tribal rolls of the Creek Nation, Euchee Town, also examined, and the name of John Davis found thereon.
- Q Has your husband, John Davis ever been enrolled by the Commission to the Five Civilized Tribes as a citizen of the Creek Nation? A Yes sir.
- The records of the Commission to the Five Civilized Tribes examined and the name of John Davis was found to be enrolled on Creek Card number 19.
- Q Where do you reside? A In the Creek Nation.
- Q How long have you resided in the Creek Nation? A Six years.
- Q Does your child, Cherokee reside with you? A Yes sir.

#2 Martha Davis.

- Q How long has Cherokee resided with you? A For ever two years.  
Q Have you a home in the Creek Nation? A Yes sir.  
Q Have you a home in the Cherokee Nation? A No sir.  
Q Does the name of your husband, John Davis appear on the Cherokee roll? A No sir.  
Q Have you been enrolled by the Commission to the Five Civilized Tribes as a citizen of the Cherokee Nation? A No sir.  
Q Are you advised Mrs. Davis that the Act of Congress approved June 28th, 1898, commonly known as the Curtis Bill contains the following provisions:

"The several tribes may by agreement determine the right of persons who for any reason may claim citizenship in two or more tribes and to allotment of lands and distribution of moneys belonging to each tribe, but if no such agreement be made then such claimant shall be entitled to such rights in one tribe only and may elect in which tribe he will take such right"

A Yes sir.

- Q Have you any other statements that you desire to make at this time in regard to the application for the enrollment of your child, Cherokee Davis as a citizen of the Creek Nation?

A No sir.

You will be furnished at a later date with a copy of the decision of the Commission to the Five Civilized Tribes with reference to the application made by you at this time for the enrollment of your minor child, Cherokee Davis, as a citizen of the Creek Nation which will be mailed to you at your proper post office address at Muskogee, Indian Territory.

Lena Cummings having been first duly sworn, upon her oath states that as stenographer to the Commission to the Five Civilized Tribes, she reported in full all proceedings had in the above entitled cause on the 22nd day of November, 1900, and that the above and foregoing is a full, true and correct transcript of her stenographic notes, of said proceedings on said date.

Subscribed and sworn to before me this

22

day of Nov

1900, at Muskogee, Indian Territory.

Guy L. Emerson

Notary Public.



DEPARTMENT OF THE INTERIOR,  
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application of Martha Davis for the enrollment of her minor children, Cherokee and Gooty Davis as citizens of the Creek Nation.

DECISION.

It appears from the record in this case that on November 22, 1900, Martha Davis appeared before this Commission at Muskogee, Indian Territory and made application for the enrollment of her minor children, Cherokee Davis aged 2 years and 8 months and Gooty Davis aged one month and 28 days; that the said Martha Davis is a recognized citizen of the Cherokee Nation and that her name appears upon the roll of Cherokee citizens of eighteen hundred and eighty confirmed by the act of Congress of June 28, 1898, ( 30 Stats. 495); that the father of the said Cherokee and Gooty Davis is John Davis, a recognized citizen of the Creek Nation whose name is found upon the authenticated Creek roll of 1890 and the authenticated Euchie Town census roll of 1895 and that the said Cherokee and Gooty Davis were born subsequent to the date of the last authenticated Creek tribal roll.

Paragraph 3 of Section Twenty-one of the act of June 28, 1898 ( 30 Stats. 495) is as follows:

"Said Commission is authorized and directed to make correct rolls of the citizens by blood of all the other tribes, eliminating from the tribal rolls such names as may have been placed thereon by fraud or without authority of law, enrolling such only as may have lawful right thereto, and their descendants born since such rolls were made, with such intermarried white persons as may be entitled to Choctaw and Chickasaw citizenship under the treaties and the laws of said tribes."

And paragraph 8 of the said section of said act provides:

"The several tribes may, by agreement, determine the right of persons who for any reason may claim citizenship in two or more tribes, and to allotment of lands and distribution of moneys belonging to each tribe; but if no such agreement be made, then such claimant shall be entitled to such rights in one tribe only, and may elect in which tribe he will take such right; but if he fail or refuse to make such selection in due time, he shall be enrolled in the tribe with whom he has resided, and there be given such allotment and distributions, and not elsewhere."

The Commission holds that by the word ' descendants', as used in paragraph 3 above quoted, is meant descendants in the female line according to the usages and customs of the tribes to which said act relates; that in the Creek Nation descent is in the female line when the mother is a recognized member of any Indian tribe; that to establish a right to enrollment in the tribe of his father it must be shown that the applicant has been duly and lawfully adopted, enrolled or admitted to citizenship in said tribe; and that the action of the tribal authorities in adopting, either by special act or by the approval of tribal rolls, certain descendants of a female member of another tribe, who are specifically named in said act or upon said rolls, cannot be construed as an adoption of children then unborn when the mother herself has not been so adopted .



The authority of this Commission to hear and determine original applications for citizenship expired by limitation November 9, 1896, and the authority of the tribal councils and legislatures or legally constituted courts or committees designated by the several tribes to hear and determine such applications expired by limitation October 10, 1896, in accordance with the provisions of the act of Congress approved June 10, 1896, ( 29 Stats. 321); Paragraph 8 of the act of June 28, 1898 above quoted, did not revive or renew that authority, either in the Commission or in the tribes, and under its provisions those persons only whose names were upon the authenticated rolls of two or more tribes on June 28, 1898, or who had been duly and lawfully adopted, enrolled or admitted as citizens of two or more tribes prior to said date can elect in which of said tribes they will be enrolled and take allotment of lands and distribution of moneys.

It is therefore the opinion of the Commission that Cherokee and Geety Davis are not members of the Creek Tribe by birth or adoption and that the application of Martha Davis for their enrollment as citizens of the said Nation should be denied and it is so ordered.

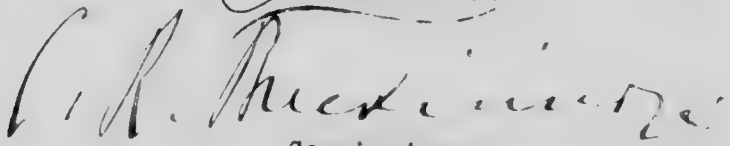
The Commission to the Five Civilized Tribes.

Dated at Okmulgee, Indian Territory,

this the 14th day of May, 1901.

  
Acting Chairman

Commissioner.

  
Commissioner.

99/26

IN RE  
THE DEATH OF

*Gooty Davis*

citizen of the

*Creek*

Nation.

Approved \_\_\_\_\_ 190\_\_\_\_\_

Commissioner.

DEPARTMENT OF THE INTERIOR,  
COMMISSION TO THE FIVE CIVILIZED TRIBES.

FILED

*Jan 26 1903*

*[Signature]* ACTING CHAIRMAN.

DEPARTMENT OF THE INTERIOR,  
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the death of Gooty Davis  
(Here insert name of deceased.)  
a citizen of the Creek Nation, who formerly resided at or near  
Tallahassee Mission, Ind. Ter., and died on the sixth day of  
(Here insert name of post office.)  
July, 1901.

AFFIDAVIT OF RELATIVE.

UNITED STATES OF AMERICA, }  
INDIAN TERRITORY, }  
Western District. }

I, Martha Davis, on oath state that I am 37  
years of age and a citizen, by Marriage of the Creek Nation;  
that my post office address is Muskogee, Ind. Ter.; that I am  
(Here insert name of post office.)  
Mother of Gooty Davis,  
(State relationship as: the father; an uncle; a cousin, etc.) (Here insert name of deceased.)  
who was a citizen, by blood, of the Creek Nation;  
and that said Gooty Davis died on the 6th day of  
(Here insert name of deceased.)  
July, 1901.

WITNESSES TO MARK:

(Must be Two  
Witnesses.)

W. F. Angell  
Joshua Ross  
Subscribed and sworn to before me this 26th day of January 1903.  
Commission Expires  
July 2 1906

Joshua Ross  
Notary Public.

AFFIDAVIT OF ACQUAINTANCE.

UNITED STATES OF AMERICA, }  
INDIAN TERRITORY, }  
District. }

I, \_\_\_\_\_, on oath state that I am \_\_\_\_\_  
years of age, and a citizen, by \_\_\_\_\_, of the \_\_\_\_\_ Nation;  
that my post office address is \_\_\_\_\_ Ind. Ter.;  
(Here insert name of post office.)  
that I was personally acquainted with \_\_\_\_\_  
(Here insert name of deceased.)  
who was a citizen, by \_\_\_\_\_, of the \_\_\_\_\_ Nation;  
and that said \_\_\_\_\_ died on the \_\_\_\_\_ day of  
(Here insert name of deceased.)

WITNESSES TO MARK

(Must be Two  
Witnesses)

Subscribed and sworn to before me this \_\_\_\_\_ day of \_\_\_\_\_ 190\_\_\_\_

Notary Public.

## Department of the Interior,

## COMMISSION TO THE FIVE CIVILIZED TRIBES.

IN RE Application for Enrollment, as a citizen of the Creek Nation,  
 of Gooty Davis, born on the 24<sup>th</sup> day of September, 1900  
 (Here insert name of child.)  
 Name of Father: John Davis, a citizen of the Creek Nation.  
 Name of Mother: Martha Davis, a citizen of the Cherokee Nation.  
 Postoffice, Muskogee, I.T.

## AFFIDAVIT OF MOTHER.

UNITED STATES OF AMERICA, )  
 INDIAN TERRITORY. )

Northern District. )

I, Martha Davis, on oath state that I am Thirty seven  
 years of age and a citizen, by blood, of the Cherokee Nation;  
 that I am the lawful wife of John Davis, who is a citizen, by  
blood, of the Creek Nation; that a female child was  
 (male or female)  
 born to me on the 24<sup>th</sup> day of September, 1900; that said child has been  
 named Gooty Davis, and is now living.

WITNESSES TO MARK:

(Must be Two Witnesses.)

S. Thompson  
H. B. Brier

Martha Davis  
 mark

Subscribed and sworn to before me this 22<sup>nd</sup> day of November, 1900.

Joshua Ross  
 NOTARY PUBLIC.

## AFFIDAVIT OF ATTENDING PHYSICIAN, OR MIDWIFE.

UNITED STATES OF AMERICA, )  
 INDIAN TERRITORY. )

Northern District. )

I, Molly Kiddy, a Midwife, on oath state that I  
 attended on Mrs. Martha Davis, wife of John Davis,  
 on the 24<sup>th</sup> day of September, 1900; that there was born to her on  
 said date a female child; that said child is now living and is said to have been  
 (male or female)  
 named Gooty Davis.

WITNESSES TO MARK:

(Must be Two Witnesses.)

Lehus Wheeler  
H. B. Brier

Molly Kiddy

Subscribed and sworn to before me this 22<sup>nd</sup> day of November, 1900.

Joshua Ross  
 NOTARY PUBLIC.

Copy.

DEPARTMENT OF THE INTERIOR.

WHR.

WASHINGTON.

I.T.D.1258-1902.

LRS

November 24, 1902.

The Commission

to the Five Civilized Tribes,

Muskogee, Indian Territory.

Gentlemen:

February 18, 1902, the Commissioner of Indian Affairs transmitted your letter of January 18, 1902, submitting the papers in the matter of the application of Martha Davis for the enrollment of her minor children, Cherokee and Gooty Davis, as Creek citizens.

It appears that at the time of the taking of the testimony in this case, November 22, 1900, Cherokee Davis was about three years of age and Gooty Davis was one month and twenty-eight days old; that Martha Davis is a recognized citizen of the Cherokee Nation and that her husband, John Davis, the father, is a recognized citizen of the Creek Nation, whose name is found upon the authenticated Creek roll of 1890 and the authenticated Euchie Town census roll of 1895.

You rejected the application holding that the children cannot be enrolled in the Creek Nation, as citizens, because according to the custom of the Creek Nation descent cannot come through the male but has to come through the female line.

The Commissioner states that he does not agree with you in this matter and recommends that you be directed to enroll

the applicants as citizens of the Creek Nation.

In view of the decision of the Department of November 20, 1902, in the case of Lillian and Pearl Lerblanche, your decision is reversed.

A copy of the Commissioner's letter is inclosed.

Respectfully,

Thos. Ryan.

Acting Secretary.

1 inclosure. - 7.

C O P Y

Creek Case-81.  
Card Field-4422.

Muskogee, Indian Territory, December 23, 1902.

Cherokee Enrollment Division,

Commission to the Five Civilized Tribes.

Gentlemen:

You are hereby advised that, in accordance with departmental decision of November 24, 1902, the Commission has regularly enrolled as citizens of the Creek Nation, on Creek Indian Card, Field No. 4422, Cherokee and Goody Davis, minor children of Martha Davis.

It appears from the records of the Creek Enrollment Division that John Davis, father of said Cherokee and Goody Davis, is a recognized citizen of the Creek Nation; and it further appears from the testimony had in the application made by Martha Davis for the enrollment of said Cherokee and Goody Davis, that she (Martha Davis) is a recognized citizen of the Cherokee Nation.

Respectfully,

*James H. H. H.*  
Acting Chairman.



C O P Y

Creek Enrollment  
Case No. 81.

Muskogee, Indian Territory, December 23, 1902.

A. P. McKellop, Esq.,

H. C. Reed, Esq.,

Attorneys for the Creek Nation,

Muskogee, Indian Territory.

Gentlemen:

You are hereby advised that the Secretary of the Interior, under date of November 24, 1902, reversed the decision of the Commission, dated May 14, 1901, denying the enrollment, as citizens of the Creek Nation, of Cherokee and Goody Davis, minor children of Martha Davis.

You are further advised that said Cherokee and Goody Davis have, in accordance with departmental decision above referred to, been regularly enrolled as citizens of said nation.

Respectfully,

*Jane Bixby*

Acting Chairman.

C o p y

Creek Enrollment  
Case No. 81.

Muskogee, Indian Territory, December 23, 1902.

Martha Davis,

Muskogee, Indian Territory.

Dear Madam:

You are hereby advised that the Secretary of the Interior, under date of November 24, 1902, reversed the decision of the Commission, dated May 14, 1901, denying enrollment to your minor children, Cherokee and Goody Davis, as citizens of the Creek Nation.

You are further advised that, in accordance with departmental decision above referred to, your said children, Cherokee and Goody Davis, have been regularly enrolled as citizens of the Creek Nation.

Respectfully,

*James Bixby*

Acting Chairman.

Registered.

C O P Y .

Muskogee, Indian Territory, January 18, 1902.

A. P. McKellop, Esq.,

H. C. Reed, Esq.,

Attorneys for the Creek Nation.

Muskogee, Indian Territory.

Gentlemen:

There is herewith enclosed a copy of the decision of the Commission to the Five Civilized Tribes in the matter of the application made by Martha Davis for the enrollment of her two minor children, Cherokee and Gooty Davis as citizens of the Creek Nation.

The decision with a copy of the proceedings had in the case is this day transmitted to the Secretary of the Interior for his review and decision. The final decision of the Secretary will be made known to you as soon as the Commission is informed of the same.

Yours truly,

T.B.Needles.

Commissioner in Charge.

1 enclosure.  
McK.R (23)  
Registered.

C O P Y .

Muskogee, Indian Territory, January 18, 1908.

Martha Davis,

Muskogee, Indian Territory.

Madam:

There is herewith enclosed a copy of the decision of the Commission to the Five Civilized Tribes in the matter of the application made by you for the enrollment of your two minor children, Cherokee and Geety Davis as citizens of the Cherokee Nation.

The decision, with a copy of the proceedings had in the case, is this day transmitted to the Secretary of the Interior for his review and decision. The final decision of the Secretary will be made known to you as soon as the Commission is informed of the same.

Yours truly,

T.B.Needles.

Commissioner in Charge.

1 enclosure.  
M.D.  
Registered.

C O P Y .

Muskogee, Indian Territory, January 18, 1902.

The Honorable,

The Secretary of the Interior.

Sir:

There is herewith transmitted the record of proceedings in the matter of the application of Martha Davis for the enrollment of her minor children Cherokee and Geety Davis as citizens of the Creek Nation, including the decision of the Commission to the Five Civilized Tribes, dated the 14th day of May, 1901, denying said application.

Respectfully,

T B. Needles.

Commissioner in Charge.

Through the Commissioner  
of Indian Affairs.

1 enclosure.  
Creek-81

COMMISSIONERS:

HENRY L. DAWES,  
TAMM BIXBY,  
THOMAS B. NEEDLES,  
C. R. BRACKENRIDGE.

ALLISON L. AYLESWORTH,  
SECRETARY.

DEPARTMENT OF THE INTERIOR,

COMMISSION TO THE FIVE CIVILIZED TRIBES.

ADDRESS ONLY THE  
COMMISSION TO THE FIVE CIVILIZED TRIBES.

Muskogee, Indian Territory, FEB 1 1902 1902.

Received on this date from the Commission to the Five  
Civilized Tribes a copy of the record of proceedings in the matter  
of the application of Martha Davis for the enrollment of Cherokee  
and Gooty Davis as citizens of the Creek Nation.

A. P. M. Keeop

Attorney for Creek Nation.

Creek No. 81.

CR EN 82

See Field # 1583

CR EN 82



Residence:

CREEK NATION.

CREEK ROLL.

Card No. 15840

Post Office: Holdenville, Ind. Ter.

Field No. 1583

Dawson Roll No.	NAME	Relation ship to Person first Named	AGE	SEX	BLOOD	TRIBAL ENROLLMENT		TRIBAL ENROLLMENT OF PARENTS			
						Year	No.	Name of Father	Year	No.	Name of Mother
5093	Jacob, John A.		28	M	1/2	1890	Juckatetchu 227	Frank Jacobs	1890	Little River	Rebecca Jacobs
5094	"	Frank son	5	"	3/4	1895		no 1			Mary Jacobs
5095	"	Lizzie dau	8 mo	F	3/4			no 1			"
<div data-bbox="415 545 762 662"> <p>ENROLLMENT OF WORKERS APPROVED BY THE SECRETARY OF INTERIOR March 28, 1912</p> </div>						<p>no 1 an Juckatetchu Pay Roll of 1895 no 1 an 1890 Roll as John Jacobs no 2 " 1895 Little River Jucka Town Census Roll of 1890 nos. 2 &amp; 3 were enrolled as doubtful citizens by direction of the Commission and permitted to file and application held up pending the decision of the Commission as to their citizenship. The mother of no 1 &amp; 2 may be on the Shawnee rolls Feb. 6<sup>th</sup> 1890 no 1 gave in his oral testimony that the children never participated in any Shawnee payments or allotments of land. no. 2 &amp; 3, Enrollment case no 12 Admin. Comm. May 17<sup>th</sup> 1901. Decision affirmed Feb. 5<sup>th</sup> 1902</p>					

City's Court

Issued Feb. 1890

Feb. 6<sup>th</sup> 1900

City's Court

Issued Feb. 1890 (Duplicate)

March 28<sup>th</sup> 1900

City's Court

Issued Feb. 1890 (Duplicate)

April 16<sup>th</sup> 1900

DEPARTMENT OF THE INTERIOR  
COMMISSION TO THE FIVE CIVILIZED TRIBES.  
MUSKOGEE, I. T. DECEMBER 17th, 1900.

In the matter of the application of John A. Jacobs for the enrollment of his two minor children, Frank and Lizzie Jacobs as citizens of the Creek Nation. John A. Jacobs being duly sworn by P. B. Hopkins, a Notary Public, testified as follows:

- Q What is your name? A John A. Jacobs.  
Q What is your age? A 29 years.  
Q What is your post office address? A Holdenville, I. T.  
Q Are you a citizen of the Creek Nation? A Yes sir.  
Q For whom are you applying for enrollment as citizens of the Creek Nation? A My two children.  
Q Please state their names and ages? A Frank is five years old and Lizzie is fifteen months old.  
Q Are both of these children now living? A Yes sir.  
Q Do they live with you? A Yes sir.  
Q Have they always lived here in the Creek Nation? A Yes sir.  
Q They were born in the Creek Nation? A Yes sir.  
Q You are the father of both of them? A Yes sir.  
Q Who is the mother of these children? A Mary Jacobs, nee Shawnee.  
Q Is your wife, Mary Jacobs now living? A Yes sir.  
Q She is a citizen of the Creek Nation? A No sir.  
Q Is she a citizen of any Indian nation? A She is a member of the Shawnee Tribe.  
Q Did she receive her allotment as a Shawnee? A Yes sir.  
Q Did she ever receive any allotment as Shawnee of these two minor children, for whom you now make application for the enrollment as citizens of the Creek Nation? A No sir.  
Q These two children have never taken any rights as Shawnee?  
A No sir.  
Q Have these two minor children of yours ever been recognized as citizens of the Creek Nation by the tribal authorities of the Creek Nation? A Just one, Frank the oldest one.  
Q Have they ever been enrolled by the tribal authorities of the Creek Nation as citizens thereof? A Yes sir.  
Q Both of them? A Just the oldest one.  
Q Do their names appear on the tribal rolls of the Creek Nation?  
A Yes sir.  
Q Both of them? A Just the oldest one.  
Q That is Frank Jacobs? A Yes sir.  
Q What town in the Creek Nation do you belong to? A I belong to Tuckabatchee and my children belong to Little River, Tulsa/.

Authenticated 1895 Roll of the Little River, Tulsa Town examined and the name of Frank Jacobs, Jr. found written thereon with lead pencil, as new-born.

- Q Lizzie Jacobs was born subsequent to the making of the rolls?  
A Yes sir.

Authenticated Roll of the Creek Nation for the year 1890, Tuckabatchee Town examined, and the names of John A. Jacobs found thereon at page number 227, also the 1895 Pay-roll of the Creek Nation, Tuckabatchee Town examined, and the name of John A. Jacobs found thereon at number 2.

John A. Jacobs. #2.

BY S. S. Fears, Attorney for applicant.

- Q Where were you married? A In the Creek Nation.  
Q About where in the Creek Nation? A One mile from Holdenville.  
Q Where was your wife living at that time? A About one mile from Holdenville, before the town was built.  
By the Commission.  
Q You make application for the enrollment of these two minor children as citizens of the Creek Nation, on the ground that the mother is a United States citizen? A Yes sir.  
Q Is there any land in the Shawnee Reservation which these children could secure at this time? A No sir.  
Q Has all the land in the Shawnee Nation been taken up? A Yes sir.  
Q Could these children have secured any land at any time from the Shawnee Reservation? A No sir.  
Q Are you advised Mr. Jacobs that the Act of Congress approved June 28th, 1898, commonly known as the Curtis Bill contains the following provisions: "The several tribes may by agreement determine the right of persons who for any reason may claim citizenship in two or more tribes and to allotment of lands and distribution of moneys belonging to each tribe but if no such agreement be made then such claimant shall be entitled to such ~~in~~right in one tribe only and may elect in which tribe he will take such right?" A Yes sir.  
Q Is there any other statement that you desire to make at this time in regard to this application? I was told by other folks that my wife was part Creek, and her father was half Creek but claimed no interest in the Creek Nation, and also her mother was part Creek and didn't claim no interest in the Creek Nation.

You will be furnished at a later date with a copy of the decision of the Commission to the five civilized tribes with reference to the application made by you at this time for the enrollment of your two minor children Frank and Lizzie Jacobs as citizens of the Creek Nation, which will be mailed to you at your proper post office address at Holdenville, Indian Territory.

Lona Cummings having been first duly sworn, upon her oath states that as stenographer to the commission to the five civilized Tribes, she reported in full all proceedings had in the above entitled cause on the 17th day of December, 1900, and that the above is a full, true and correct transcript of her stenographic notes, of said proceedings on said date.

*Lona Cummings*

Subscribed and sworn to before me this 17 day of Dec  
A. D., 1900, at Muskogee, Indian Territory.

-----  
Notary Public.

DEPARTMENT OF THE INTERIOR  
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application of John A. Jacobs for enrollment of his two minor children Frank and Lizzie Jacobs as citizens of the Creek Nation.

DECISION.

It appears from the record in this case that on December 17, 1900, John A. Jacobs appeared before this Commission at Muskogee, Indian Territory and made application for the enrollment of his two minor children Frank and Lizzie Jacobs as citizens of the Creek Nation; that the said John A. Jacobs has been heretofore recognized as a citizen of the Creek Nation by the tribal authorities thereof and that his name is found upon the 1890 and 1895 authenticated Creek rolls; that Mary Jacobs wife of the said John A. Jacobs and mother of said above named children is a citizen of the United States.

It also appears that both the said children have been born subsequent to the date of the last authenticated Creek roll and that proof of the birth of said Frank Jacobs was made orally before this Commission in 1897, his name being found upon old Creek census card No. 2648 and that affidavits as to the birth of said Lizzie Jacobs on August 3, 1899 were filed with this Commission March 26, 1900.

Paragraph 3 of Section Twenty one of the act of June 28, 1898, ( 30 Stats. 495) is as follows:

"Said Commission is authorized and directed to make correct rolls of the citizens by blood of all the other tribes, eliminating from the tribal rolls such names as may have been placed thereon by fraud or without authority of law, enrolling such only as may have lawful right thereto, and their descendants born since such rolls were made, with such inter-married white persons as may be entitled to Choctaw and Chickasaw citizenship under the treaties and the laws of said tribes."

The Commission holds that by the word 'descendants', as used in paragraph three above quoted, is meant descendants in the female line according to the usages and customs of the tribes to which said act relates; that in the Creek Nation descent is in the female line when the mother is a recognized member of any Indian Tribe and that children take the citizenship of the father when the mother is a citizen of the United States.

It is therefore the opinion of this Commission that said Frank Jacobs and Lizzie Jacobs as descendants of said John A. Jacobs should be enrolled as citizens of the Creek Nation in accordance with the provisions of paragraph three above quoted and it is so ordered.

The Commission to the Five Civilized Tribes.

Dated at Okmulgee, Indian Territory,  
this the 17th day of May, 1901.

  
Chairman.

  
Commissioner.

  
Commissioner.

IN THE MATTER OF THE APPLICATION OF THE CHILDREN OF JOHN A.  
JACOBS, TO BE ENROLLED AS CITIZENS OF THE CREEK NATION.

To the Hon. Dawes Commission:

We beg leave to submit the following remarks in behalf of applicants. In <sup>every</sup> ~~an~~ Act of Congress and <sup>every</sup> ~~their~~ treaty with the Indians, which provides for allotments to Indians, also provides that after allotment they shall become citizens of the United States, with all the privileges and immunities of other citizens. The mother of applicants was a Shawnee Indian. John A. Jacobs, her husband before, at the time and since his marriage to their said mother, was and is, a recognized and enrolled Creek citizen. The first provision of congress that we are aware of, which provides for the allotment by the absentee Shawnees of which applicants mother was one, was:

" An Act of Congress Approved February 8th. 1897. Vol. 24, Statute at large, P. 390: Section 6. of said Act is as follows:

That upon the completion of said allotments and the patenting of the lands to said allottees, each and every member of the respective bands, or tribes of Indians to whom allotments have been made, shall have the benefits of and be subject to the laws both civil and criminal of the State or Territory in which they may reside, and no Territory shall pass or enforce any law denying any such Indian within its jurisdiction the equal protection of the law. And every Indian born within the Territorial limits of the United States to whom allotment shall have been made under the provisions of this Act, or under any law or treaty, and every Indian born within the Territorial limits of the United States who has voluntarily taken up, within said limits his residence, separate and apart from any tribe of Indians therein and has adopted the habits of civilized life, is hereby declared to be a citizen of the United States and is entitled to all the rights, pri-

2.1

privileges and immunities of such citizens, whether said Indian has been or not by birth, or otherwise, a member of any tribe of Indians within the Territorial limits of the United States, without in any manner impairing or otherwise affecting the right of any such Indian to tribal or other property.

Thereafter on June 26th, 1890, there was an agreement between the United States and the Absentee Shawnees, which is found in Vol. 27.

D. 1879, Art. II. is as follows:

"Whereas certain allotments of land have been heretofore made, and are now being made to said absentee Shawnees, according to instructions from the Department of the Interior, at Washington, under Act of Congress entitled, "An Act to provide for the allotment of lands in severalty to Indians on the various reservations and to extend the protection of the laws of the United States and the Territory over the Indians and for other purposes? Approved July 8th, 1897, and according to said instructions other allotments are to be made. It is further agreed that all such allotments so made shall be confirmed, and all in process of being made shall be completed and confirmed, and to be made shall be made under the same rules and regulations as to persons and location and area as those heretofore made, and when made shall be confirmed."

~~2.1~~ *On* Act of Congress of May 24, 1890, enlarging the jurisdiction of the United States court, in the Indian Territory, Vol. 26, U. S. Statute, at Large, p. 89, provides that the confederated Indians, who reside in Chapaw Agency, who have taken allotments, or may hereafter take, shall become citizens of the United States, with all the privileges and immunities.

The treaty with the Sioux Indians in 1889, Vol. 15 U. S. Statute, at Large, p. 677, Provides as follows:

"And any Indian, or Indians receiving a patent for lands under the foregoing provisions, shall thereby and from thenceforth become



and be a citizen of the United States and be entitled to all the privileges and immunities of such citizens, and shall at the same time retain all his rights to benefits according under this treaty."

The mother applicants took her allotment as a Shawnee prior to her marriage and while she was a resident of the Indian Territory, but she never took an allotment for her children after their birth, because she believed they were under the customs governing in the Creek Nation, that they were citizens of the Creek Nation, and would be entitled to an allotment as such, and for the further reason that at the time of their birth, the absentee Shawnees had all taken their allotments and the surplus of their lands had been sold to the United States, and there were no Shawnee lands in which they could take an allotment, even if it had been intended to get allotments for them in the Shawnee lands. It is a custom prevailing in the Creek Nation, of which your Hon. Commission is aware, and in which you have frequently acted, that when a male Creek citizen intermarried with a citizen of the United States, whether the said citizen be white, red or black, that the children of said marriage were Creek citizens. Our contention is that when John A. Jacobs, married the mother of the applicants, he being a Creek citizen and ~~she~~ being an absentee Shawnee, residing in the Indian Territory, and having taken her allotment her children should have the same status before your Hon. Commission as if she had been a white woman or a black woman. She by having taken an allotment became a citizen of the United States to all intents and purposes, and with all the rights and privileges and immunities of other citizens of the United States.

We therefore respectfully ask that applicants may be enrolled as Creek citizens and allowed to select as their allotments in the Creek lands.

---



COMMISSIONERS:

HENRY L. DAWES,  
TAMM BIXBY,  
THOMAS B. NEEDLES,  
C. R. BRECKINRIDGE

DEPARTMENT OF THE INTERIOR,

COMMISSION TO THE FIVE CIVILIZED TRIBES.

ALLISON L. AYLESWORTH,  
SECRETARY

ADDRESS ONLY THE  
COMMISSION TO THE FIVE CIVILIZED TRIBES

Muskogee, Indian Territory, \_\_\_\_\_, 1902.

Received on this date from the Commission to the Five  
Civilized Tribes a copy of the record of proceedings in the matter  
of the application of John A. Jacobs for the enrollment as  
citizens of the Creek Nation of his children.

*A. P. M. Keene*

Attorney for Creek Nation.

Creek No. 82.

C O P Y .

Muskegee, Indian Territory, January 18, 1902.

The Honorable,

The secretary of the Interior.

Sir:

There is herewith transmitted the record of proceedings in the matter of the application of John A. Jacobs for the enrollment of his two minor children Frank and Lizzie Jacobs, as citizens of the Creek Nation, including the decision of the Commissioner, dated May 17th, 1901, enrolling said applicants as citizens of said nation.

Respectfully,

T. B. Needles.

Commissioner in Charge.

Through the Commissioner  
of Indian Affairs.

1 enclosure.  
Creek-82

C O P Y .

Muskogee, Indian Territory, January 18, 1902.

A. P. McKelley, Esq.,

H. C. Reed, Esq.,

Attorneys for the Creek Nation,

Muskogee, Indian Territory.

Gentlemen:

There is herewith enclosed a copy of the decision of the Commission to the Five Civilized Tribes in the matter of the application made by John A. Jacobs for the enrollment of his two minor children as citizens of the Creek Nation.

The decision, with a copy of the proceedings had in the case, is this day transmitted to the Secretary of the Interior for his review and decision. The final decision of the Secretary will be made known to you as soon as the Commission is informed of the same.

Yours truly,

T.B. Needles.

Commissioner in Charge.

1 enclosure.  
McK. & R. (24)  
Registered.

C O P Y .

Muskogee, Indian Territory, January 18, 1902.

Mr. John A. Jacobs,

Holdenville, Indian Territory.

Dear Sir:

There is herewith enclosed a copy of the decision of the Commission to the Five Civilized Tribes in the matter of the application made by you for the enrollment of your two minor children, Frank and Lizzie Jacobs, as citizens of the Creek Nation.

The decision, with a copy of the proceedings had in the case, is this day transmitted to the secretary of the Interior for his review and decision. The final decision of the Secretary will be made known to you as soon as the Commission is informed of the same.

Yours truly,

T.B.Needles.

Commissioner in Charge.

1 enclosure.  
J.A.f.  
Registered.

C O P Y .

Muskogee, Indian Territory, January 18, 1902.

S. S. Pears, Esq.,

Attorney for John A. Jacobs,

Muskogee, Indian Territory.

Dear Sir:

There is herewith enclosed a copy of the decision of the Commission to the Five Civilized Tribes in the matter of the application made by John A. Jacobs for the enrollment of his two minor children as citizens of the Creek Nation.

The decision, with a copy of the proceedings had in the case, is this day transmitted to the Secretary of the Interior for his review and decision. The final decision of the secretary will be made known to you as soon as the Commission is informed of the same.

Yours truly,

T.B. Needles

Commissioner in Charge.

1 enclosure.  
S.S.P.  
Registered.

(COPY)

Refer in reply to the following:

Land  
4549.

Department of the Interior,  
Office of Indian Affairs.  
Washington, Jan. 27, 1902.

The Honorable,

The Secretary of the Interior.

Sir:

I have the honor to transmit herewith a report made on January 18, 1902, by the commission to the five civilized tribes forwarding the record of proceedings in the matter of application of John A. Jacobs for the enrollment of his minor children, Frank and Lizzie, as citizens of the Creek nation. The commission reports that it appears that John A. Jacobs has been recognized as a citizen of the Creek nation by the tribal authorities thereof and that his name is found upon the 1890 and 1895 authenticated Creek rolls, but that his wife, Mary Jacobs, is a citizen of the United States; that it also appears that both the said children, Frank and Lizzie, were born subsequent to the last authenticated Creek roll. The commission is of the opinion, therefore, that the said children should be enrolled as members of the Creek tribe of Indians. This office agrees with the commission and respectfully recommends that it be directed to place their names upon the said roll.

Very respectfully,  
Your obedient servant,  
W. A. Jones,  
Commissioner.

W.C.V.  
(S.)

(COPY).

D.C.No. 2107-1902.

8507.

T.P.  
F.

Department of the Interior.  
Washington.

L.R.S.  
I.T.D.592-1902.

February 5, 1902.

Commission to the Five Civilized Tribes,  
Muskogee, I. T.

Gentlemen:

The Department has considered the application of John A. Jacobs for the enrollment of his minor children, Frank and Lizzie Jacobs, as citizens of the Creek Nation, received with your letter of January 18, 1902.

The Commissioner of Indian Affairs in his letter of January 27 (copy inclosed) concurs in your decision that the applicants should be enrolled.

It appears that John A. Jacobs is a recognized citizen of said nation, and that his name is found upon the 1890 and 1895 authenticated Creek rolls; that the wife of Jacobs and the mother of these children is a citizen of the United States. You refer to section 21 of the act of June 28, 1898 ( 30 Stat., 495), and hold that by the word "descendants" is meant "descendants in the female line" according to the usages and customs of the tribe to which said act relates; that in the Creek Nation descent is in the female line when the mother is a recognized member of any Indian tribe, and the children take the citizenship of the father



when the mother is a citizen of the United States.

The act of June 10, 1896 (29 Stat., 321-339), provided that in determining applications for citizenship in the Five Civilized Tribes your Commission should "respect all laws of the several nations or tribes, not inconsistent with the laws of the United States, and all treaties with either of said nations or tribes, and shall give due force and effect to the rolls, usages and customs of each of said nations or tribes."

While your Commission has ceased to have any authority under said act, there is nothing in the act of June 28, 1898, which would warrant the assumption that you are not, under the latter act, compelled to recognize "the usages and customs of each of said nations or tribes."

This is one of the cases mentioned by the attorneys of the Creek Nation in communication of January 29, 1902, the subject of departmental letter of February 4, 1902, to which they make no objection.

Your decision is affirmed. Copy of the Commissioner's letter is inclosed.

Respectfully,

Thos. Ryan  
Acting Secretary.  
EMD.

1 inclosure.

COMMISSIONERS:  
HENRY L. DAWES.  
TAMM BIXBY  
THOMAS B. NEEDLES.  
C. R. BRECKINRIDGE

ALLISON L. AYLESWORTH  
SECRETARY

DEPARTMENT OF THE INTERIOR.  
COMMISSION TO THE FIVE CIVILIZED TRIBES.

( COPY )

Muskogee, Indian Territory, February 15, 1902.

John A. Jacobs,  
Holdenville, Indian Territory.

Dear Sir:

You are hereby advised that the Secretary of the Interior, under date of February 5, 1902, affirmed the decision of the Commission, dated May 17, 1901, enrolling your children, Frank and Lizzie Jacobs, as citizens of the Creek Nation.

Yours truly,

T.B. Needles.

Commissioner in Charge.

COMMISSIONERS:  
HENRY L. DAWES  
TAMM BIXBY  
THOMAS B. NEEDLES  
C. R. BRECKINRIDGE

ALLISON L. AYLESWORTH  
SECRETARY

DEPARTMENT OF THE INTERIOR  
COMMISSION TO THE FIVE CIVILIZED TRIBES

(COPY)

Muskogee, Indian Territory, February 15, 1902.

S. S. Fears, Esq.,

Attorney for John A. Jacobs,  
Muskogee, Indian Territory.

Dear Sir:

You are hereby advised that the Secretary of the Interior, under date of February 5, 1902, affirmed the decision of the Commission, dated May 17, 1901, enrolling the minor children of John A. Jacobs, Frank and Lizzie Jacobs, as citizens of the Creek Nation.

Yours truly,

T.B.Needles.

Commissioner in charge.

COMMISSIONERS:  
HENRY L. DAWES.  
TAMM BIXBY.  
THOMAS B. NEEDLES.  
C. R. BRECKINRIDGE.

ALLISON L. AYLESWORTH  
SECRETARY

DEPARTMENT OF THE INTERIOR.  
COMMISSION TO THE FIVE CIVILIZED TRIBES

(COPY)

Muskogee, Indian Territory, February 15, 1903.

A. P. McKellop, Esq.,

H. C. Reed, Esq.,

Attorneys for Creek Nation,

Muskogee, Indian Territory.

Gentlemen:

You are hereby advised that the Secretary of the Interior, under date of February 5, 1903, affirmed the decision of the Commission, dated May 17, 1901, enrolling the minor children of John A. Jacobs, Frank and Lizzie Jacobs, as citizens of the Creek Nation.

Yours truly,

T.B. Needles.

Commissioner in charge.

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CR EU 83

DEPARTMENT OF THE INTERIOR  
COMMISSION TO THE FIVE CIVILIZED TRIBES.  
MUSKOGEE, IND. TER. JANUARY 22, 1901.

In the matter of the application of Jane Jackson for the enrollment of her minor child, Hattie Williams as a citizen of the Creek Nation. Jane Jackson being duly sworn, testified as follows:

- Q As a citizen, of what Nation are you making application for the enrollment of your minor child, Hattie Williams? A Creek Nation.
- Q What is Hattie's age? A 14 years old in November.
- Q Is she living? A Yes sir.
- Q Does she live with you? A Yes sir.
- Q What is your post office address? A Lee, Indian Territory.
- Q Are you the mother of Hattie Williams? A Yes sir.
- Q Who is her father? A Bob Williams.
- Q Is he a citizen of the Creek Nation? A Yes sir.
- Q Has he been enrolled by the Dawes Commission as a citizen of the Creek Nation? A I only know he is a citizen, I don't know.
- Q Were you ever legally married to Robert Williams? A No sir.
- Q Do you live together as man and wife? A Yes sir.
- Q When did you live together? A Been about fourteen years.
- Q How long did you live with him? A How long did I live with him? About three or four months we've been together.
- Q Has Hattie ever been recognized by the tribal authorities of the Creek Nation as a citizen of the Creek Nation? A Yes sir, they say she is a citizen.
- Q Has she ever been enrolled by the tribal authorities as a citizen of the Creek Nation? A She has been enrolled, but I never enrolled her.
- Q Does her name appear on the tribal rolls of the Creek Nation? A Sir?
- Q Does her name appear on the tribal rolls of the Creek Nation? A Yes, her name been put down there.
- Q What town does Hattie belong to? A What town? I don't know.
- Q Did you draw the \$29.00 for her? A Yes sir, she did.
- Q Who drew it for her? A The woman that drew it, she died.
- Q Who was she? A Tilda Lewis.
- Q Did you draw the \$14.40 for Hattie? A Yes sir.
- Q Who drew it for her? A Tilda.
- Q Tilda did? A Yes sir.

The 1895 authenticated roll, Arkansas Town, examined and the name of Hattie Williams found thereon under the name of Hattie Lewis.

- Q You were never legally married to Robert Williams? A No sir, we were never married, we were just living together.

Continued: for the purpose of obtaining additional testimony.

#2. Jane Jackson.

Lena Cummings having been first duly sworn, upon her oath states that as stenographer to the Commission to the Five Civilized Tribes, she reported in fullmail proceedings had in the above entitled cause on the 22nd day of January, 1901, and that the above and foregoing is a full, true and correct transcript of her stenographic notes, of said proceedings on said date.

Lena Cummings

Subscribed and sworn to before me this 22nd day of  
January, A.D., 1901.

Geo. L. V. Emerson  
Notary Public.



DEPARTMENT OF THE INTERIOR,  
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application of Jane Jackson for the enrollment of her minor child, Hattie Williams as a citizen of the Creek Nation.

D E C I S I O N .

It appears from the record in this case that on January 22, 1901, Jane Jackson, a citizen of the United States, appeared before this Commission and made application for the enrollment of her minor child, Hattie Williams as a citizen of the Creek Nation.

It also appears that the father of the said Hattie Williams is a recognized citizen of the Creek nation, and that the name of the said Hattie Williams is found on the 1898 authenticated Creek roll, Arkansas Town, under the name of Hattie Lewis.

It is therefore the opinion of this Commission that the said Hattie Williams should be enrolled as a citizen of the Creek Nation in accordance with the provisions of the act of Congress approved June 28, 1898, (30 Stats., 495), and it is so ordered.

Commission to the Five Civilized Tribes.

Dated at Okmulgee, Indian Territory,  
this 24th day of May, 1901.

Acting Chairman.

Commissioner.

Commissioner.

(COPY)

Muskogee, Indian Territory, January 18, 1902.

The Honorable,

The Secretary of the Interior.

Sir:

There is herewith transmitted the record of proceedings in the matter of the application of Jane Jackson for the enrollment of Hattie Williams as a citizen of the Creek Nation, including the decision of the Commission, dated May 24, 1901, enrolling said applicant as a citizen of said nation.

Respectfully,

T. B. Needles.

Commissioner in charge.

1 enclosure  
Creek 83.

Through the Commissioner  
of Indian Affairs.

(COPY)

Muskogee, Indian Territory, January 18, 1903.

Jane Jackson,

Lee, Indian Territory.

Dear Madam:

There is herewith enclosed a copy of the decision of the Commission to the Five Civilized Tribes in the matter of the application made by you for the enrollment of your child, Hattie Williams, as a citizen of the Creek Nation.

The decision, with a copy of the proceedings had in the case, is this day transmitted to the Secretary of the Interior for his review and decision. The final decision of the Secretary will be made known to you as soon as the Commission is informed of the same.

Yours truly,

T.B.Needles.

Commissioner in charge.

1 enclosure  
JJ-83.  
Registered.

(COPY)

Muskogee, Indian Territory, January 18, 1903.

A. P. McKellop, Esq.,

H. C. Reed, Esq.,

Attorneys for Creek Nation,

Muskogee, Indian Territory.

Gentlemen:

There is herewith enclosed a copy of the decision of the Commission to the Five Civilized Tribes in the matter of the application for the enrollment of Hattie Williams as a citizen of the Creek Nation.

The decision, with a copy of the proceedings had in the case, is this day transmitted to the Secretary of the Interior for his review and decision. The final decision of the Secretary will be made known to you as soon as the Commission is informed of the same.

Yours truly,

T. B. Needles.

Commissioner in charge.

1 enclosure  
MAR-83.  
Registered.

(COPY)

Refer in reply to the  
following: Land.  
4549-1902.

DEPARTMENT OF THE INTERIOR,  
Office of Indian Affairs,

Washington, March 20, 1902.

The Honorable

The Secretary of the Interior.

Sir:

I have the honor to transmit herewith a report made January 18, 1902, by the Commission to the Five Civilized Tribes, forwarding the record of proceedings in the matter of the application of Jane Jackson for the enrollment of her minor child, Hattie Williams, as a citizen of the Creek Nation.

The Commission reports that the father of the said Hattie Williams is a recognized citizen of the Creek Nation, and that the name of Hattie Williams is found on the 1895 authenticated Creek roll, Arkansas Town, under the name of Hattie Lewis, and that the mother of Hattie Lewis (Williams) is a citizen of the United States.

The Commission is of the opinion that Hattie Williams should be enrolled as a citizen of the Creek Nation.

The office concurs in that opinion and recommends that it be approved.

Very respectfully,

Your obedient servant,

A. C. TONNER,  
Acting Commissioner.

WCV  
D

2 inclosures.

(COPY)

24259

P.

DEPARTMENT OF THE INTERIOR.

WASHINGTON.

I.T.D.1739-1902.

L.R.S.

April 23, 1902.

Commission to the Five Civilized Tribes,

Muskogee, I. T.

Gentlemen:

March 20, 1902, the Acting Commissioner of Indian Affairs transmitted the record in the case involving the application of Jane Jackson for the enrollment of her minor child, Hattie Williams, as a citizen of the Creek Nation, and recommended that your decision in favor of the claimant be affirmed.

You state in your decision that it appears that the father of Hattie Williams is a recognized citizen of the Creek Nation, and that the name of Hattie Williams is found on the 1895 authenticated Creek roll of Arkansas Town under the name of Hattie Lewis. It is not clear upon what you base your statement that the father of Hattie Lewis is a recognized citizen.

The attorneys for the nation have filed an argument in this case, in which they state that Hattie Williams, a citizen of the United States, was the common-law wife of Bob Williams, a colored man, and that Bob Williams and Hattie

Williams only lived together three or four months; that it is not shown that Bob Williams is a recognized citizen of the Creek Nation, and that it is not shown that the applicant was ever admitted to citizenship by legally constituted authority of said nation. They refer to section 258 of the Creek law which provides that

"If any person claim to be the child of a deceased male person, and it should be proven that such person did not during life recognize the claimant as his offspring, then such claimant shall not be entitled to any share of the estate of the deceased person";

and assert that without a showing that Bob Williams recognized this child as his offspring she cannot be enrolled by you.

The applicant's name appearing upon a duly authenticated roll of the Creek Nation it must be assumed, in the absence of evidence showing that the name was placed on such roll by fraud or without authority of law, that the party was legally enrolled. If there has been any fraud in this case the nation has had ample opportunity to show it. Your decision is affirmed. A copy of the Acting Commissioner's letter is inclosed.

Respectfully,

THOS. RYAN.

Acting Secretary.

EMD.

1 inclosure.



(COPY)

Muskogee, Ind.Ter., May 7, 1902.

Jane Jackson,

Lee, Ind.Ter.

Dear Madam:

You are hereby advised that the Secretary of the Interior, under date of April 23, 1902, affirmed the decision of the Commission, dated May 24, 1901, enrolling Hattie Williams, your minor child, as a citizen of the Creek Nation.

Yours truly,

T. B. HERRLES.

Commissioner in Charge.

Creek-83.

OCH.

(COPY)

Muskogee, Ind.Ter., May 7, 1902.

A. P. McKellop, Esq.,

H. C. Reed, Esq.,

Attorneys for Creek Nation,

Muskogee, Ind.Ter.

Gentlemen:

You are hereby advised that the Secretary of the Interior, under date of April 23, 1902, affirmed the decision of the Commission, dated May 24, 1901, enrolling Hattie Williams, minor child of Jane Jackson, as a citizen of the Creek Nation.

Yours truly,

T. B. NEEDLES.

Commissioner in Charge.

Creek-83.

OCH.

COMMISSIONERS:

HENRY L. DAWES,  
TAMM BIXBY,  
THOMAS B. NEEDLES,  
C. R. BRECKINRIDGE

ALLISON L. AYLESWORTH,  
SECRETARY

DEPARTMENT OF THE INTERIOR,

COMMISSION TO THE FIVE CIVILIZED TRIBES.

ADDY 5 ONLY THE  
COMMISSION TO THE FIVE CIVILIZED TRIBES.

Muskogee, Ind. Ter., FEB 1 1902, 1902.

Received on this date from the Commission to the Five  
Civilized Tribes a copy of the record of proceedings in the matter  
of the application of Jane Jackson for the enrollment of Hattie  
Williams as a citizen of the Creek Nation.

A. P. M. McCoy

Attorney for Creek Nation.

Creek No. 83.

CR EN 84

CR EN 84

DEPARTMENT OF THE INTERIOR  
COMMISSION TO THE FIVE CIVILIZED TRIBES.  
MUSKOGEE, IND. TER. JANUARY 29th, 1901.

In the matter of the application of James S. Vann for the enrollment of himself and his minor child, Sarah Heland Vann as citizens of the Creek Nation. James S. Vann being duly sworn testified as follows:

- Q As a citizen of what Nation are you an applicant for enrollment? A Creek Nation.  
Q What is your name? A James S. Vann.  
Q What is your age? A Forty-two.  
Q What is your post office address? A Wagoner, I. T.  
Q Have you ever been recognized by the tribal authorities of the Creek Nation as citizens of the Creek Nation? A Yes sir.  
Q Have you ever been enrolled by the Creek tribal authorities as citizens of the Creek Nation? A I have.  
Q Does your name appear on the tribal rolls of the Creek Nation? A yes sir.  
Q What town do you belong to? A Coweta.

1890 Authenticated roll, Coweta Town, examined and the name of James Vann not found thereon. 1891 Omitted roll examined and the name of James Vann found at number 643. 1895 Authentic Census Roll Coweta Town, examined and the name of James Vann found thereon at number 493.

- Q Where do you live? A I live eleven miles northeast of Wagoner.  
Q Do you make your residence there? A Yes sir.  
Q How long have you lived there? A I have lived there at that place for six years.  
Q Where did you live prior to that time? A At Fishertown.  
Q Is that in the Creek Nation? A Yes sir.  
Q How long did you live at Fishertown? A Ever since the war up to the time I was married.  
Q What is the name of your father? A James Vann.  
Q Is he living? A No sir, he is dead.  
Q Is his name on any of the rolls of the Creek Nation? A No sir, I don't think it is. He was a citizen of the Cherokee Nation.  
Q What is the name of your mother? A Mary Watts was her maiden name but now it is Mary Wadsworth.  
Q Is she living? A Yes sir.  
Q Is her name on any of the rolls of the Creek Nation? A I suppose it is.  
Q To what town in the Creek Nation does she belong? A Coweta.

1890 Authenticated roll of Coweta Town examined and the name of Mary Watts found thereon at page 66.

- Q Is your mother Mary Wadsworth a citizen of the Creek Nation also? A Yes, she's a citizen of the Creek Nation.  
Q Of the Cherokee Nation to? A Her husband is a Cherokee and lived in the Cherokee Nation, but she is a citizen of the Creek Nation.  
Q Is she a citizen of the Cherokee Nation? A No sir, she's not recognized at all as a citizen of the Cherokee Nation.  
Q How long have you lived in the Indian Territory? A 42 years.  
Q Have you been outside the Territory in the past three years? A No sir, never was out.

#2. James S. Vann.

- Q What proportion of Creek blood do you claim to have? A I guess about a quarter.
- Q Are you married? A Yes sir.
- Q Have you your marriage license and certificate which you now desire to offer in evidence with this Commission. A No sir, I hav'nt got it, the old man that married us, at that time they didn't get no license.
- Q Where were you living at the time of your marriage? A At Fishertown.
- Q What was your wife's name before she was married? A Alice Riley.
- Q Is she now living? A Yes sir.
- Q Is she a citizen by blood of the Creek Nation? A No sir, she is a citizen of the Cherokee Nation.
- Q What was the name of her father? A John M. Riley.
- Q What was the name of her mother? A Nancy Riley.
- Q Have you any children under twenty years of age and unmarried for whom you now desire to make application? A Yes sir.
- Q Give the name please? A Sarah Heland Vann.
- Q What is her age? A sixteen years old.
- Q Does her name appear on any of the tribal rolls of the Creek Nation? A I don't know, I couldn't say unless I knew.
- Q Did you ever draw any money for her? A Yes sir.
- Q What money did you draw for her in the Creek Nation? A I drew the \$14.00 for her, I believe it was, then I drew \$16.00 at another time for her.
- Q When did you draw the \$16.00 for her. A I don't know just when it was, it was paid out and I drew it for her.
- Q How long ago was this? A I don't know, I couldn't say.
- Q Did you draw the \$29 for her? A Yes sir.
- Q Do you know your wife's age? A The same age I am, 42.
- Q Has your wife ever been enrolled as a citizen of the Cherokee Nation? A Yes sir, I enrolled her yesterday.

Alice Vann, age 42 is enrolled on Cherokee Card, number 7186, enrolled January 28th, 1901.

- Q Did you ever draw any money in the Cherokee Nation for Sarah Heland Vann? A Did I? Yes sir.
- Q In what year did you draw it for her? A It was in '94.
- Q Did you ever draw in '96? A I don't remember now, I couldn't tell you.
- Q Did you ever draw any money in the Cherokee Nation? A Yes sir.
- Q In what year? A I drew money when the Strip payment was made.
- Q That was in 1894? A Yes sir.
- Q Did you ever draw any other payments? A Yes sir.
- Q Was your name on the Cherokee rolls in 1880? A I can't tell you, I don't know. If I were on the roll I would be in the Canadian District.
- Q Are you a citizen of the Cherokee Nation? A No sir, I am not.
- Q How did you happen to draw money in the Cherokee Nation?
- A Well they offered me the money and I took it. I was living there, then, in the Cherokee Nation and the money was paid to me, they recognized me as a citizen, and of course I had my name enrolled and drew the money.
- Q How were you enrolled as a citizen? A They didn't ask me any such questions as that so I got enrolled.
- Q Were you enrolled as a citizen by blood or intermarriage? A
- A As I told you before they didn't ask me any question, so I just went there and got enrolled.
- Q Were you living in the Cherokee Nation at the time you drew the money from the Cherokee Nation? A Yes, I was living there.
- Q Have you drawn in all the payments in the Cherokee Nation?
- A Yes sir.

43. James S. Vann.

- Q Have you also drawn money in all the payments for your daughter, Sarah Heland Vann in the Cherokee Nation and in the Creek Nation? A Yes sir, for her and me both.
- Q Was there any one in your family by the name of Lucy Vann? A Not that I know of.
- Q Did you draw the \$29 for yourself or did some one else draw it for you? A I gave my uncle an order and he drew it for me.
- Q What was the name of your uncle? A Cad Wadsworth.
- Q Do you know C. W. Morgan? A No sir.

1895 Authentic roll of the Creek Nation examined and the name of Heland found thereon at number 496, with the name of James Vann.

- Q Did you ever belong to any other town besides Coweta Town? A No sir, I never did belong to any other town.
- Q Is there any additional statements in regard to your application that you desire to make at this time? A No sir.
- Q Is your daughter, Sarah Heland Vann now living? A Yes sir.
- Q Does she live with you? A Yes sir.
- Q Are you now residing in the Creek Nation? A Yes sir.
- Q Mr. Vann, are you advised that the Act of Congress approved June 28th, 1898, commonly known as the Curtis Bill contains the following provisions:
- "The several tribes may, by agreement, determine the right of persons who for any reason may claim citizenship in two or more tribes, and to allotment of lands and distribution of moneys belonging to each tribe; but if no such agreement be made, then such claimant shall be entitled to such rights in one tribe only, and may elect in which tribe he will take such right." A Yes sir.
- Q In which tribe do you elect to take or to be enrolled and to have your minor child Sarah Heland Vann enrolled? A Enrolled as Creek citizens.

You will be furnished at a later date with a copy of the decision of the Commission with reference to the application made by you at this time for the enrollment of yourself and your minor child Sarah Heland Vann as citizens by blood of the Creek Nation, which will be mailed to you at your proper post office address at Wagoner, Indian Territory.

Lona Cummings having been first duly sworn, upon her oath states that as stenographer to the Commission to the Five Civilized Tribes, she reported in full all proceedings had in the above entitled cause on the 29th day of January, 1901, and that the above and foregoing is a full, true and correct transcript of her stenographic notes, of said proceedings on said date.

Subscribed and sworn to before me this 3 day of January  
A.D., 1901.

L. V. Emerson  
Notary Public.



DEPARTMENT OF THE INTERIOR  
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application of James S. Vann for the enrollment of himself and his minor child, Sarah Heland Vann as citizens of the Creek Nation.

DECISION.

It appears from the record in this case that on January 29, 1901, James S. Vann appeared before this Commission and made application for the enrollment of himself and his minor child, Sarah Heland Vann, aged 16 years, as citizens of the Creek Nation; that the mother of the said James S. Vann is Mary Wadsworth, a recognized member of the Creek Nation and that the mother of the said Sarah Heland Vann is Alice Vann, nee Riley, a recognized citizen of the Cherokee Nation.

It also appears that the said James S. and Sarah Heland Vann have been duly recognized as citizens of the Creek Nation by the tribal authorities thereof and that their names are found upon the authenticated rolls of the said Nation.

It further appears that the said James S. and Sarah Heland Vann have been recognized and enrolled as citizens of the Cherokee Nation and that they now elect to be enrolled and take allotment of lands and distribution of moneys in the Creek Nation in accordance with the provisions of paragraph 8 of the act of June 28, 1898, (30 Stats. 495) which are as follows:

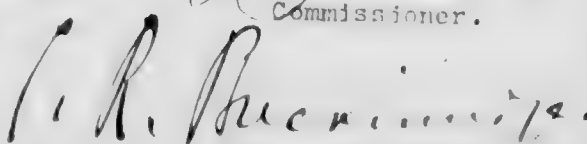
"The several tribes may, by agreement, determine the right of persons who for any reason may claim citizenship in two or more tribes, and to allotment of lands and distribution of moneys belonging to each tribe; but if no such agreement be made, then such claimant shall be entitled to such rights in one tribe only, and may elect in which tribe he will take such right; but if he fail or refuse to make such selection in due time, he shall be enrolled in the tribe with whom he has resided, and there be given such allotment and not elsewhere."

It is therefore the opinion of the Commission that James S. Vann is a citizen by blood of the Creek Nation and that Sarah Heland Vann is a citizen by adoption of the Creek Nation and that in accordance with their election they should both be enrolled as citizens of the said Nation and it is so ordered.

The Commission to the Five Civilized Tribes.

Dated at Okmulgee, Indian Territory,  
this the 18<sup>th</sup> day of May, 1901.

  
Acting Chairman.

  
Commissioner.

Commissioner.

(COPY)

Muskogee, Indian Territory, January 18, 1902.

The Honorable,

The Secretary of the Interior.

Sir:

There is herewith transmitted the record of proceedings in the matter of the application of James S. Vann for the enrollment of himself and child, Sarah Heland Vann, as citizens of the Creek Nation, including the decision of the Commission, dated May 18, 1901, enrolling said applicants as citizens of said nation.

Respectfully,

T.B.Needles.

Commissioner in charge.

1 enclosure  
Creek 84.

Through the Commissioner  
of Indian Affairs.

(COPY)

Muskogee, Indian Territory, January 18, 1902.

James S. Vann,

Wagoner, Indian Territory.

Dear Sir:

There is herewith enclosed a copy of the decision of the Commission to the Five Civilized Tribes in the matter of the application made by you for the enrollment of himself and child, Sarah Heland Vann, as citizens of the Creek Nation.

The decision, with a copy of the proceedings had in the case, is this day transmitted to the Secretary of the Interior for his review and decision. The final decision of the Secretary will be made known to you as soon as the Commission is informed of the same.

Yours truly,

T.B.Needles.

Commissioner in charge.

1 enclosure  
JSV-84.  
Registered.

(COPY)

Muskogee, Indian Territory, January 18, 1902.

A. P. McKellop, Esq.,

H. O. Reed, Esq.,

Attorneys for Creek Nation,

Muskogee, Indian Territory.

Gentlemen:

There is herewith enclosed a copy of the decision of the Commission to the Five Civilized Tribes in the matter of the application for the enrollment of James S. Vann and child, Sarah Heland Vann, as citizens of the Creek Nation.

The decision, with a copy of the proceedings had in the case, is this day transmitted to the Secretary of the Interior, for his review and decision. The final decision of the Secretary will be made known to you as soon as the Commission is informed of the same.

Yours truly,

T.B. Needles.

Commissioner in charge.

1 enclosure  
MAR-84.  
Registered.

COMMISSIONERS  
HENRY L. DAWES.  
TAMM BIXBY.  
THOMAS B. NEEDLES.  
C. R. BRECKINRIDGE.

ALLISON L. AYLESWORTH.  
SECRETARY

DEPARTMENT OF THE INTERIOR.  
COMMISSION TO THE FIVE CIVILIZED TRIBES.

(COPY)

REFER IN REPLY TO THE FOLLOWING

ADDRESS ONLY THE  
COMMISSION TO THE FIVE CIVILIZED TRIBES

Muskogee, Ind.Ter., April 3, 1902.

James S. Vann,

Wagener, Ind.Ter.

Dear Sir:

You are hereby advised that the Secretary of the Interior, under date of March 5, 1902, affirmed the decision of the Commission, dated May 18, 1901, enrolling yourself, and your minor child, Sarah Heland Vann, as citizens of the Creek Nation.

Yours truly,

C. R. BRECKINRIDGE.  
Commissioner in Charge.

Creek-84.

OCH.

COMMISSIONERS  
HENRY L. DAWES.  
TAMM BIXBY.  
THOMAS B. NEEDLES.  
C. R. BRECKINRIDGE.

ALLISON L. AYLESWORTH.  
SECRETARY

DEPARTMENT OF THE INTERIOR.  
COMMISSION TO THE FIVE CIVILIZED TRIBES.

(COPY)

REFER IN REPLY TO THE FOLLOWING

Muskogee, Ind.Ter., April 3, 1902.

A. P. McKellop, Esq.,

H. C. Reed, Esq.,

Attorneys for the Creek Nation,  
Muskogee, Indian Territory.

Gentlemen:

You are hereby advised that the Secretary of the Interior,  
• under date of March 5, 1902, affirmed the decision of the Commission,  
dated May 18, 1901, enrolling James S. Vann, and his minor child,  
Sarah Heland Vann, as citizens of the Creek Nation.

Yours truly,

C. R. BRECKINRIDGE.  
Commissioner in Charge.

Creek-84.

OCH.

(COPY)

Refer in reply to the  
following: Land.  
4549-1902.

DEPARTMENT OF THE INTERIOR

Office of Indian Affairs.

Washington, February 18, 1902.

The Honorable

The Secretary of the Interior.

Sir:

I have the honor to transmit herewith a report made January 18, 1902, by the Commission to the Five Civilized Tribes forwarding the record of proceedings in the matter of the applications of the following named persons for enrollment as Creek citizens:

James S. Vann, for the enrollment of himself and his minor child, Sarah Heland Vann.

Lizzie M. Beck, for the enrollment of herself and her four minor children, Odus, Gerty, Otto and Fannie Beck.

Thomas McIntosh, for the enrollment of himself.

Susie Ross, for the enrollment of herself and her two minor children, Arthur and Minnie Ross.

The Commission is of the opinion that the applicants should be enrolled as Creek citizens. This office concurs in the opinion of the Commission and respectfully recommends that such action be taken.

Very respectfully,

Your obedient servant,

W. A. Jones,

W.C.V.  
D.

Commissioner.

9 inclosures.



(COPY)

13893

L.R.S.  
I.T.D.1264-1902.

F.

Department of the Interior.

Washington.

March 5, 1902.

Commission to the Five Civilized Tribes,  
Muskogee, I.T.

Gentlemen:

The Department has considered the application of James S. Vann for the enrollment of himself and his minor child, Sarah Heland Vann, as citizens of the Creek Nation.

It appears that the mother of James S. Vann is Mary Wadsworth, a recognized member of the Creek Nation, and that the mother of said Sarah Heland Vann is Alice Vann, a recognized citizen of the Cherokee Nation; that James S. and Sarah Heland Vann have been duly recognized as citizens of the Creek Nation by the tribal authorities thereof, and that their names are found upon the authenticated rolls of said nation; that they have also been recognized and enrolled as citizens of the Cherokee Nation. They now elect to be enrolled as Creek citizens, and you found that they should be enrolled as such.

The Commissioner of Indian Affairs in his letter of February 18, 1902, concurs in your conclusion.

Finding no reason to disturb your decision, it is affirmed. A copy of the Commissioner's letter is inclosed herewith.

Respectfully,

1 inclosure.

THOS. RYAN.  
Acting Secretary. EMD.

COMMISSIONERS:

HENRY L. DAWES,  
TAMM BIXBY,  
THOMAS B. NEEDLES,  
C. R. BRECKINRIDGE

ALLISON L. AYLESWORTH,  
SECRETARY

DEPARTMENT OF THE INTERIOR,

COMMISSION TO THE FIVE CIVILIZED TRIBES.

ADDRESS ONLY THE  
COMMISSION TO THE FIVE CIVILIZED TRIBES

Muskogee, Indian Territory FEB 1 1902 1902.

Received on this date from the Commission to the Five  
Civilized Tribes a copy of the record of proceedings in the matter  
of the application of James S. Vann et al. for enrollment as  
citizens of the Creek Nation.

A. P. M. Keesop

Attorney for Creek Nation.

Creek No. 84.

CR EN 85

CR EN 85

DEPARTMENT OF THE INTERIOR  
COMMISSION TO THE FIVE CIVILIZED TRIBES.  
MUSKOGEE, IND. TER. FEBRUARY 15th, 1901.

In the matter of the application of Lucile McIntosh for enrollment as a citizen by blood of the Creek Nation.

.....

LUCILE MCINTOSH, being duly sworn, testified as follows :

- Q What is your name? A Lucile McIntosh.  
Q What is your age? A Twenty-three.  
Q What is your post office address? A Prior Cree, I. T.  
Q Have you ever been recognized by the tribal authorities of the Creek Nation as a citizen of the Creek Nation? A Yes sir.  
Q Have you ever been enrolled by the Creek tribal authorities of the Creek Nation, as a citizen of the Creek Nation?  
A yes sir.  
Q Does your name appear upon the tribal rolls of the Creek Nation? A Yes sir, I think it does.

1890 Authenticated roll of the Creek Nation examined and the name of Lucile McIntosh found thereon under the name of Lucy McIntosh. 1895 Authenticated roll of the Creek Nation, examined and the name of Lucile McIntosh found thereon at number 211.

- Q Are you married? A No.  
Q Do you make application for any one else besides yourself?  
A No sir.  
Q What is your father's name? A Freeland McIntosh.  
Q Is he a citizen of the Creek Nation? A Yes sir.  
Q What town does he belong to? A Eufaula.  
Q What Indian Town does he belong to? A I don't know.  
Q What Indian Town do you belong to? A The same that my father does.

1890 Authenticated roll of the Creek Nation examined and the name of Freeland B. McIntosh found thereon at page 48. 1895 Authenticated roll of the Creek Nation examined and the name of Freeland McIntosh found thereon at number 209 .

- Q What is your mother's name? A Lou McIntosh.  
Q Is she a citizen of the Creek Nation? A Yes.

1890 and 1895 Authenticated rolls of the Creek Nation examined and the name of Lou or Kate McIntosh not found thereon.

- Q Is your mother a citizen of any other Nation besides the Creek Nation? A She is a Cherokee by blood, but she has never lived in the Cherokee Nation.

1880 Authenticated roll of the Cherokee nation, examined and the name of Lue McIntosh, age 25 and Pat McIntosh age 3, found thereon in Saline District, page 647 at number 702 and 703 respectively. Also 1896 Census roll of the Cherokee Nation examined, and the name of Louisa, age 40, and Lucile McIntosh age 17, found thereon at page 203, and numbers 2940 and 2941 respectively, in Cooweescoowee District.

#2. Lucile McIntosh.

- Q Where do you reside? A Prior Creek, Cooweescoowee District, Cherokee Nation.
- Q How long have you lived there? A About 12 years.
- Q Where did you live prior to that? A In Saline District, Cherokee Nation.
- Q How long did you live there? A About 11 years.
- Q Where did you live prior to that time? A That's all.
- Q Did you ever live in the Creek Nation? A Yes sir, I lived here two years.
- Q Where were you born? A In the Creek Nation.
- Q Is your father now living? A Yes.
- Q Where does he live? A Bufaula, Indian Territory, in the Creek Nation.
- Q You are not living with him? A No.
- Q Is your mother living? A Yes.
- Q Where does she reside? A At Okmulgee, Creek Nation.
- Q How long has she resided there? A For the last 18 years.
- Q Who have you resided with? A My grandmother, Mrs. M.E. Archer.
- Q Have you been outside the Territory in the last three years?
- A No.
- Q Are you advised that the Act of June 28, 1896, commonly known as the Curtis Bill, contains the following provisions.
- "The several tribes may by agreement, determine the right of persons who for any reason may claim citizenship in two or more tribes, and to allotment of lands and distribution of moneys belonging to each, but if no such agreement be made then such claimant shall be entitled to such right in one tribe only, and may elect in which tribe he will take such right."
- A Yes.
- Q In what Nation do you desire and elect to be enrolled and to take your allotment? A In the Creek Nation.

You will be furnished at a later date, with a copy of the decision of the Commission with reference to the application made by you at this time for the enrollment as a citizen by blood of the Creek Nation, which will be mailed to you at your present post office address, at Prior Creek, Indian Territory, in care of Mrs. M.E. Archer.

Loua Cummings having been first duly sworn, upon her oath states that as stenographer to the Commission to the Five Civilized Tribes, she reported in full all proceedings had in the above entitled cause on the 15th day of February, 1901, and that the above and foregoing is a full, true and correct transcript of her stenographic notes, of said proceedings on said date.

*Loua Cummings*

Subscribed and sworn to before me this 15th day of February, A.D., 1901, at Muskogee, Indian Territory.

*Philip B. Hopkins*  
Notary Public.

DEPARTMENT OF THE INTERIOR  
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application of Lucile McIntosh for enrollment as a citizen of the Creek Nation.

DECISION.

It appears from the record in this case that on February 15, 1901, Lucile McIntosh, aged 23 years, appeared before this Commission at Muskogee, Indian Territory and made application for enrollment as a citizen of the Creek Nation; that her father is Freeland McIntosh a recognized citizen by blood of the Creek Nation and that her mother is Lou McIntosh, a recognized citizen by blood of the Cherokee Nation.

It also appears that the applicant has been adopted as a citizen of the Creek Nation by the tribal authorities thereof and that her name appears upon the authenticated rolls of the Creek Nation for the years 1890 and 1895.

It further appears that the said Lucile McIntosh, is a recognized citizen by blood of the Cherokee Nation and that she elects to be enrolled and take allotment of land and distribution of moneys in the Creek Nation in accordance with the provisions of Paragraph 3 of the act of June 28, 1898, (30 Stats. 495), which are as follows:

"The several tribes may, by agreement, determine the right of persons who for any reason may claim citizenship in two or more tribes, and to allotment of lands and distribution of moneys belonging to each tribe; but if no such agreement be made, then such claimant shall be entitled to such rights in one tribe only, and may elect in which tribe he will take such right; but if he fail or refuse to make such selection in due time, he shall be enrolled in the tribe with whom he has resided, and there be given such allotment and net elsewhere."

It is therefore the opinion of the Commission that the said Lucile McIntosh is a citizen by adoption of the Creek Nation and that in accordance with her election she should be enrolled as a citizen of the said Nation and it is so ordered.

The Commission to the Five Civilized Tribes.

Dated at Okmulgee, Indian Territory,  
this the 14th day of May, 1901.

  
Acting Chairman.

  
Commissioner.

  
Commissioner.

C O P Y .

Muskogee, Indian Territory, January 18, 1902.

The Honorable,

The Secretary of the Interior.

Sir:

There is herewith transmitted the record of proceedings in the matter of the application of Lucile McIntosh for her enrollment as a citizen of the Creek Nation, including the decision of the Commission dated the 14th day of May, 1901, enrolling said applicant as a citizen of said Nation.

Respectfully,

T. B. Needles.

Commissioner in Charge.

Through the Commissioner

of Indian Affairs.

1 enclosure.  
Creek-85



C O P Y .

Muskogee, Indian Territory, January 18, 1902.

Lucile McIntosh,

Pryor Creek, Indian Territory.

Madam:

There is herewith enclosed a copy of the decision of the Commission to the Five Civilized Tribes in the matter of the application made by you for your enrollment as a citizen of the Creek Nation.

The decision, with a copy of the proceedings had in the case, is this day transmitted to the Secretary of the Interior for his review and decision. The final decision of the Secretary will be made known to you as soon as the Commission is informed of the same.

Yours truly,

T.B.Needles

Commissioner in Charge.

1 enclosure.  
L.Mel.  
Registered.

Copy

Muskogee, Indian Territory, January 18, 1902.

A. P. McKelley, Esq.,

H. C. Reed, Esq.:

Attorneys for the Creek Nation,

Muskogee, Indian Territory.

Gentlemen:

There is herewith transmitted a copy of the decision of the Commission to the Five Civilized Tribes in the matter of the application of Lucile McIntosh for enrollment as a citizen of the Creek Nation.

The decision, with a copy of the proceedings had in the case, is this day transmitted to the Secretary of the Interior for his review and decision. The final decision of the Secretary will be made known to you as soon as the Commission is informed of the same.

Yours truly,

T.B.Needles.

Commissioner in Charge.

1 enclosure.  
McK. & R. ( 25)  
Registered.

(COPY)

Refer in reply to the  
following: Land.  
4549-1902.

Department of the Interior,  
Office of Indian Affairs,

Washington, February 18, 1902.

The Honorable

The Secretary of the Interior.

Sir:

I have the honor to transmit herewith a report made January 18, 1902, by the Commission to the Five Civilized Tribes, forwarding the proceedings in the matter of the application of Lucile McIntosh for enrollment as a citizen of the Creek Nation.

The Commission reports that the father of the applicant is a recognized citizen of the Creek Nation and that her mother is a recognized citizen of the Cherokee Nation; that applicant has been adopted as a citizen of the Creek Nation by the tribal authorities; that her name appears on the authenticated rolls of 1890 and 1895 of the Creek Nation; that she is also a recognized citizen of the Cherokee Nation, but that she has elected to take allotment and be enrolled in the Creek Nation. The Commission is therefore of the opinion that she should be enrolled as a citizen of the Creek Nation.

The office concurs in the opinion of the Commission, believes that it should be approved and so recommends.

Very respectfully,

Your obedient servant,

W.A.JONES.

Commissioner.

WCV  
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3 inclosures.

(COPY)

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L.R.S.  
I.T.D.1260-1902.

F.

Department of the Interior.  
Washington.

March 4, 1902.

Commission to the Five Civilized Tribes,  
Muskogee, I.T.

Gentlemen:

The Department has considered the application of Lucile McIntosh for enrollment as a citizen of the Creek Nation.

It appears that the father of the applicant is a recognized citizen by blood of the Creek Nation, and that her mother is Lou McIntosh, a recognized citizen by blood of the Cherokee Nation; that the applicant's name appears upon the authenticated roll of the Creek Nation for the years 1890 and 1895; that she is also a recognized citizen by blood of the Cherokee Nation, but she elects to be enrolled and take allotment of lands and distribution of money in the Creek Nation in accordance with the act of June 28, 1898 (30 Stat., 495). You found that the applicant should be enrolled as a citizen of the Creek Nation.

The Commissioner of Indian Affairs in his letter of February 18, 1902, recommends that your decision be affirmed. Copy of his letter is inclosed herewith.

Finding no reason to disturb your decision, it is approved.

Respectfully,

THOS. RYAN.  
Acting Secretary.  
EMD.

1 inclosure.

COMMISSIONERS

HENRY L. DAWES.  
TAMM DIXBY.  
THOMAS B. NEEDLES.  
C. R. BRECKINRIDGE.

ALLISON L. AYLESWORTH.  
SECRETARY

DEPARTMENT OF THE INTERIOR.  
COMMISSION TO THE FIVE CIVILIZED TRIBES.

(COPY)

REFER IN REPLY TO THE FOLLOWING

ADDITIONALY THE  
COMMISSION TO THE FIVE CIVILIZED TRIBES

Muskogee, Ind.Ter., April 2, 1902.

Miss Lucile McIntosh,

Pryor Creek, Ind.Ter.

Dear Madam:

You are hereby advised that the Secretary of the Interior, under date of March 4, 1902, affirmed the decision of the Commission, dated May 14, 1901, enrolling yourself as a citizen of the Creek Nation.

Yours truly,

C. R. BRECKINRIDGE.  
Commissioner in Charge.

Creek-88.

OCH.

COMMISSIONERS  
HENRY L. DAWES.  
TAMM BIXBY.  
THOMAS B. NEEDLES.  
C. R. BRECKINRIDGE.

ALLISON L. AYLESWORTH.  
SECRETARY

DEPARTMENT OF THE INTERIOR.  
COMMISSION TO THE FIVE CIVILIZED TRIBES.

(COPY)

REFER IN REPLY TO THE FOLLOWING

A. P. McKellop, Esq.,  
H. C. Reed, Esq.,  
Attorneys for the Creek Nation,  
Muskogee, Indian Territory.

Muskogee, Ind.Ter., April 2, 1902.

A. P. McKellop, Esq.,

H. C. Reed, Esq.,

Attorneys for the Creek Nation,

Muskogee, Indian Territory.

Gentlemen:

You are hereby advised that the Secretary of the Interior, under date of March 4, 1902, affirmed the decision of the Commission, dated May 14, 1901, enrolling Lucile McIntosh as a citizen of the Creek Nation.

Yours truly,

C. R. BRECKINRIDGE.  
Commissioner in Charge.

Creek-85.

OCH.

COMMISSIONERS

HENRY L. DAWES,  
TAMS BIXBY,  
THOMAS B. NEEDLES,  
C. R. BRECKINRIDGE

ALLISON L. AYLESWORTH,  
SECRETARY

DEPARTMENT OF THE INTERIOR,

COMMISSION TO THE FIVE CIVILIZED TRIBES.

ATTEST: ONLY THE  
COMMISSION TO THE FIVE CIVILIZED TRIBES

Muskogee, Indian Territory, FEB 1 1902 1902.

Received on this date from the Commission to the Five  
Civilized Tribes a copy of the record of proceedings in the matter  
of the application of Lucile McIntosh for enrollment as a citizen  
of the Creek Nation.

A. P. M. Keecop

Attorney for Creek Nation.

Creek No. 85.



COMMISSIONERS  
HENRY L. DAWES.  
TAMS BIXBY.  
THOMAS B. NEEDLES.  
C. R. BRECKINRIDGE.

ALLISON L. AYLESWORTH.  
SECRETARY.

DEPARTMENT OF THE INTERIOR,

COMMISSION TO THE FIVE CIVILIZED TRIBES.

Muskogee, Indian Territory, February 16, 1901.

Hon. Tams Bixby,

Acting Chairman,

Muskogee, Indian Territory.

Sir:

Herewith, enclosed, find copy of testimony taken in the application of Lucile McIntosh, for enrollment as a citizen of the Creek Nation. She elects to be enrolled in the Creek Nation. The testimony shows that her name appears on the Cherokee tribal rolls.

Yours truly,

CR EN 86

CR EN 86

DEPARTMENT OF THE INTERIOR  
COMMISSION TO THE FIVE CIVILIZED TRIBES.  
MUSKOGEE, IND. TER. FEBRUARY 19th, 1901.

In the matter of the application of John and Jack Perryman for enrollment as citizens of the Creek Nation. John Perryman being duly sworn, testified as follows:

- Q As a citizen of what Nation are you an applicant for enrollment? A Creek Nation.
- Q What is your name? A John Perryman.
- Q What is your age? A 23 years old.
- Q Have you ever been recognized by the tribal authorities of the Creek Nation as a citizen of the Creek Nation? A Yes sir.
- Q Have you ever been enrolled by the Creek tribal authorities of the Creek Nation as a citizen of the Creek Nation? A Yes sir.
- Q Does your name appear upon the tribal rolls of the Creek Nation? A It appeared on the roll but I don't know whether it was the tribal rolls or not.
- Q Where do you live? A At Muskogee.
- Q How long have you lived here? A I have lived in town for about 15 years.
- Q Where did you live prior to that time? A Out in the country about four miles.
- Q Where did you live before that? A I lived in the country part of the time.
- Q What is the name of your father? A His name is Billy Perryman.
- Q Is he living? A No sir.
- Q Was he a citizen of the Creek Nation? A So far as I know, he was.
- Q Was his name on the rolls of the Creek Nation? A I really don't know.
- Q To what town in the Creek Nation did he belong? A Arkansas I think.
- Q What is the name of your mother? A Her name was -----is Mary Carson, now.
- Q Is she living? A Yes sir?
- Q Is her name on any of the rolls of the Creek Nation? A No sir.
- Q Is she a citizen of any other tribe in the Indian Territory? A I don't know, sir. I think she is a citizen of the Cherokee Nation, I am not sure.
- Q How long have you lived in the Indian Territory. A Was born and raised here.
- Q Have you been outside the Territory in the last three years? A No sir.
- Q Does your name appear on the 1890 authenticated roll of the Creek Nation? A I don't know, but it ought to.

1890 Authenticated roll of the Creek Nation examined and the name of John Perryman found thereon at page 41.

- Q Does your name appear upon the 1895 Authenticated roll of the Creek Nation? A Yes sir.

1895 Authenticated roll of the Creek Nation examined and the name of John Perryman found thereon at number 1320, Arkansas Town.

Q Are you married? A - Yes sir.  
Q Is your wife a citizen of the Creek Nation? A No sir.  
Q Is she a United States citizen? A Yes sir.  
Q Have you any children under 18 years of age for whom you now  
Q desire to make application? A No sir.  
Q Is there any additional statement that you desire to make  
with reference to your application? A No sir.

קתדרת אברהם אבינו

Q As a citizen of what Nation are you an applicant for enrollment? A Creek Nation.

Q What is your name? A Jack Perryman.

Q What is your age? A 17.

Q What is your post office address? A Muskogee, Indian Terr'y.

Q Have you ever been recognized by the Creek tribal authorities as a citizen of the Creek Nation? A I guess so.

Q Have you ever been enrolled by the Creek tribal authorities as a citizen of the Creek Nation? A Yes sir, I guess so.

Q Does your name appear upon the tribal rolls of the Creek Nation? A Yes sir.

Q Where do you live? A Live here at Muskogee.

Q How long have you lived here? A All my life.

Q All your life? A Yes sir.

Q Were you born here in Muskogee? A Out in the country about four miles, at old Agency.

Q What is the name of your father? A Billy Perryman.

Q Is he living? A No sir.

Q Was his name on any of the rolls of the Creek Nation as a citizen? A I guess it was.

Q Was his name on the town roll? A I am not sure, I guess it was though.

Q What town did he belong to? A I don't know what town he belonged to.

Q What town do you belong to? A Arkansas Town.

Q Is your mother living? A Yes sir.

Q What is her name? A Her name is Mary Carson.

Q Is she a citizen of the Creek Nation? A I do not know that she is.

Q Is she a citizen of any Nation? A She is a citizen of the Cherokee Nation I guess.

Q How long have you lived in the Indian Territory. A All my life.

Q Have you been outside the territory in the last three years? A Three years, no sir.

Q Does your name appear upon the 1890 authenticated roll of the Creek Nation? A Yes sir.

1890 Authenticated roll of the Creek Nation examined and the name of Jack Perryman not found thereon.

#3. John Perryman.

- Q Is John the only brother you have? A No sir, Wiley McIntosh.  
Q The only brothers you have? A No sir, my other brothers are dead now.  
Q What are their names? A I don't know.  
Q Don't know the names? A I think one is Sam Perryman and the other one died before I knew him.  
Q Is Sam older than you? A Yes sir.  
Q When did he die? A I don't know, I was little when he died, can't remember when he died.  
Q Does your name appear on the 1895 Authenticated roll of the Creek Nation? A I think it does.

1895 Authenticated roll of the Creek Nation, Arkansas Town examined and the name of Jack Perryman found thereon at number 1321. The name Jack being written in red ink.

- Q What other brother did you ever have besides Sam? A I don't know sir.  
Q Did you have one named Tom? A No sir, I never heard my mother say.  
Q Are you married? A No sir.  
Q Is there any additional statement that you desire to make with regard to your application? A No sir, I guess not.

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WILEY MCINTOSH, being duly sworn, testified as follows:

- Q What is your name? A Wiley McIntosh.  
Q What is your age? A 45.  
Q Are you a citizen of the Creek Nation? A I am.  
Q What town do you belong to? A Arkansas colored.  
Q Are you acquainted with John and Jack Perryman? A Yes sir.  
Q Are they citizens of the Creek Nation? A Yes sir.  
Q What town do they belong to? A They belong to Arkansas Colored.  
Q Is the mother of these boys living? Yes sir.  
Q Who is the mother of these boys? A Mary Carson.  
Q Is she a citizen of the Creek Nation? A No sir.  
Q Is she a Cherokee citizen? A Yes sir.  
Q By blood or Cherokee freedmen? A Cherokee freedmen.  
Q Who is the father of these boys? A Billy Perryman.  
Q Is he living? A No sir, he is dead.  
Q Was he a citizen of the Creek Nation? A I could't say.  
Q Do you know whether or not his name appeared on the town roll? A I don't know.  
Q Do you know whether or not John and Jack Perryman drew the \$29.00? A Yes sir they did.  
Q Do you identify John and Jack Perryman, the applicants as the persons whose names appear upon the 1890 roll in Arkansas Town? A I do.  
Q Do you know Sammie Perryman? A Yes sir.  
Q A brother of these boys? A Yes sir.  
Q Is he living? A No sir, he is dead.  
Q When did he die? A I can't say when. He was the youngest boy.  
Q Did he draw the \$29? A I don't know whether he did or not.

44. John Perryman.

- Q Were there any younger boy in the family? A No sir I don't know. I don't know any boy by the name of Tom.
- Q Were you ever town king of the Arkansas Town? A Never was. (By Mr. Durant)
- Q Were you ever Secretary for the town king and recorded the names on the Arkansas roll? A Yes sir.
- Q You acted as clerk for that district? A Yes sir.

P ooooooooooooooooooooo

SAM MCCURTAIN, being duly sworn, testified as follows:

- Q What is your name? A Sam McCurtain.
- Q What is your age? A About 35 or 40.
- Q What is your post office address? A Muskogee, I. T.
- Q Of what Nation are you a citizen? A Cherokee Nation.
- Q Are you acquainted with John and Jack Perryman? A Yes sir.
- Q What relation are you to them? A They are my nephews.
- Q You mean that their mother is a sister of yours? A Yes sir.
- Q Is she living? A Yes sir.
- Q What is her name? A Mollie Carson.
- Q Of what Nation is she a citizen? A Cherokee Nation.
- Q Does her name appear on the Cherokee rolls? A Yes sir, on this last time.
- Q In which payment? A Kerns' roll
- Q Under what name did she draw money at that time? A Mollie Carson.
- Q Are you acquainted with the father of John and Jack Perryman? A Yes sir.
- Q Was he a citizen of the Creek Nation? A So far as I know, he was.
- Q Did he draw any money? A Yes sir.
- Q What money did he draw? A The \$4.00.
- Q Did he draw in any other payment? A I couldnt say.
- Q Did you see him draw the \$4.00? A No sir.
- Q How do you know that he did? A His mother said he did, and he said he did.
- Q Are John and Jack Perryman citizens of the Creek Nation? A Yes sir.
- Q Have they drawn money in the Creek Nation? A Yes sir.
- Q What payment did they draw in? A \$29.
- Q Did you see them draw the money? A I drewed it for them.
- Q You drew it for them? A Yes sir.
- Q What names did they go by then? A Johnny and Jack.
- Q Are you positive that you drew it for John and Jack Perryman? A Yes sir, from Mr. Moore.
- Q Did they draw the \$14.40? A I don't know anything about that.
- Q Do you know Sammie Perryman? A I do, yes sir.
- Q Brother to those applicants? A Yes sir.
- Q How old is Sammie? A He is dead now.
- Q How old was he when he died? A I couldnt say exactly how old he was.
- Q When did he die? A I couldnt say, I didnt keep my records.
- Q Do you know whether or not he was older than John and Jack? A He was younger than these boys.
- Q Younger than either of them? A Yes sir, the oldest one is Wiley McIntosh and I think John is next.
- Q Did you know one named Tom? A No sir. Dont recollect him.

#5. John Perryman.

- Q Cant you give us some idea when Sammie Died? A The mother might, I don't know.  
Q Can't you state whether it has been one year or ten years?  
A I have no idea.  
Q Can you state whether or not it has been over two years since Sammie died? A I wouldn't be positive in that either.  
Q Did you ever draw any money for Sammie? A No sir.  
Q How did you happen to draw for John and Jack and didn't draw for Sammie? A He was dead then and I didn't draw for but the three.  
Q Who were the three you draw for? A John, Jack and Wiley.  
Q Then Sammie was dead then? A I think so, I wouldn't be positive about that.

John Perryman, recalled, testified as follows:

- Q Did you have a brother named Tom? A No sir.  
Q Did you have one named Sammie? A Yes sir.  
Q Is Sammie older or younger than you? A Younger.  
Q Is he living? A No sir.  
Q When did he die? A He has been dead for about ten years.  
Q Where was he living when he died? A At Okmulgee.

Sam McMurtaugh, recalled, testified as follows:

- Q What did you do with the \$29 you drew for these boys?  
A Gave it to their mother.  
Q Never gave it to the boys at all? A No sir, I didn't, I gave it to their mother, they had a little debt at Sover's store and I gave it to their mother.  
Q Are you positive that it was John and Jack that you drew the \$29 for? A Yes sir.  
Q Are you positive that you didn't draw for for Sammie? I wouldn't say anything but that I drew for the three entirely.  
Q Can you state positively that you didn't draw any for Sam?  
A Well I wouldn't like to say it.

Lena Cummings having been first duly sworn, upon her oath states that as stenographer to the Commission to the Five Civilized Tribes, she reported in full all proceedings had in the above entitled cause on the 19th day of February, 1901, and that the above and foregoing is a full, true and correct transcript of her stenographic notes, of said proceedings on said date.

Lena Cummings

Subscribed and sworn to before me at Muskogee, Indian Territory, this \_\_\_\_\_ day of February, 1901.

  
Acting Chairman.



Department of the Interior  
Commission to the five civilized tribes/  
Okmulgee, Indian Territory, May 18th, 1901.

In the matter of the application of John and Jack Perryman  
for enrollment as citizens of the Creek Nation.  
Robert Grayson being duly sworn testified as follows:

Examination by the Commission.

- Q What is your name? A Robert Grayson.  
Q What is your age? A I guess about 65.  
Q What is your post-office address? A Tuskegee.  
Q Are you a citizen of the Creek Nation? A Yes sir.  
Q What official position do you hold if any? A I am king  
of North Fork Town.  
Q Did you know Billy Perryman? A Yes sir.  
Q Was he a recognized citizen of the Creek Nation? A Yes  
sir.  
Q He was a Creek freedman was he? A Yes sir.  
Q Do you know who his master was? A Taylor Postoak.  
Q Was Taylor Postoak a Creek Indian? A Yes sir.  
Q Do you know who Billy Perryman's father was? A Yes sir,  
Billy Postoak.  
Q Was Billy Postoak a Creek freedman? A Yes sir.  
Q Recognized as a citizen of the Creek Nation? A Yes sir.  
Q Who was Billy Perryman's mother? A Her name she went  
by Becky. She has got four or five names. She went by McIntosh and  
so forth and I couldn't tell.  
Q Was she a Creek freedman? A Yes sir.  
Q Who was her master? A I don't know her master but when I  
got acquainted with her she was staying with Monday Marshall.  
Q Was this Becky recognized by the tribal authorities as a  
Creek freedman and a citizen of the Creek Nation? A Yes sir.  
Q Is this Billy Perryman living that you testified about?  
A Old man Postoak's son?  
Q Yessir? A He died.  
Q About when did he die? A I couldn't tell you exactly.  
Q Was it before the 1890 payment? A I think he died before  
that time.  
Q Did you ever hear the Creek citizenship of Billy Postoak,  
Becky, or Billy Perryman questioned? A No sir I never heard it.

Myra Young having been first duly sworn upon her oath  
states that as stenographer to the Commission to the Five Civilized  
Tribes she reported in full all proceedings had in the above entitled  
cause on the 18th day of May, 1901, and that the above and foregoing  
is a full, true and correct transcript of her stenographic notes of  
said proceedings on said date.

Subscribed and sworn to before me this 18th day of May, 1901, at  
Okmulgee, Indian Territory.

*Myra Young*  
  
Acting Chairman.

DEPARTMENT OF THE INTERIOR  
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application of John and Jack Perryman for enrollment as citizens of the Creek Nation.

DECISION.

It appears from the record in this case that on February 12, 1901, John and Jack Perryman appeared before this Commission and made application for enrollment as citizens of the Creek Nation; that the father of the said applicants was Billy Perryman, a Creek freedman and recognized citizen of the Creek Nation and that the mother of said applicants was Mary Carson, a recognized citizen of the Cherokee Nation.

It also appears that the said John and Jack Perryman have been recognized as citizens of the Creek Nation by the tribal authorities thereof and that the name of John Perryman is found upon the 1890 and 1895 authenticated Creek rolls and the name of Jack Perryman is found upon the authenticated 1895 roll of Arkansas Town of the Creek Nation; that his name was originally entered as Tom and changed to Jack.

It further appears that by virtue of the application herein made the said John Perryman and Jack Perryman have elected to be enrolled and take allotment of lands and distribution of moneys in the Creek Nation in accordance with the following provision of the act of Congress approved June 26, 1896 (30 Stat. 495):

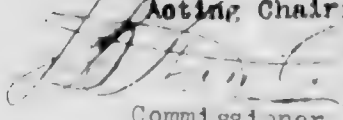
"The several tribes may, by agreement, determine the right of persons who for any reason may claim citizenship in two or more tribes, and to allotment of lands and distribution of moneys belonging to each tribe; but if no such agreement be made, then such claimant shall be entitled to such rights in one tribe only, and may elect in which tribe he will take such right; but if he fail or refuse to make such selection in due time, he shall be enrolled in the tribe with whom he has resided, and there be given such allotment and not elsewhere."

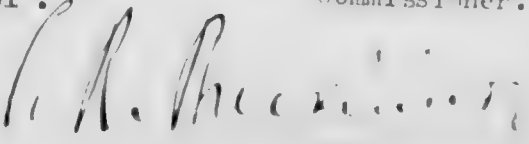
It is therefore the opinion of this Commission that said John Perryman and Jack Perryman are Creek freedmen and recognized citizens of the Creek Nation and that in accordance with the provision of law above quoted should be enrolled as citizens of said Nation and it is so ordered.

The Commission to the Five Civilized Tribes.

Dated at Okmulgee, Indian Territory,  
this the 18th day of May, 1901.

  
Acting Chairman.

  
Commissioner.

  
Commissioner.

(COPY)

Muskogee, Indian Territory, January 18, 1902.

The Honorable,

The Secretary of the Interior.

Sir:

There is herewith transmitted the record of proceedings in the matter of the application of John Perryman for the enrollment of himself and Jack Perryman as citizens of the Creek Nation, including the decision of the Commission, dated May 18, 1901, enrolling said applicants as citizens of said nation.

Respectfully,

T. B. Needles.

Commissioner in charge.

1 enclosure  
Creek 86.

Through the Commissioner  
of Indian Affairs.

(COPY)

Muskogee, Indian Territory, January 18, 1902.

John Perryman,

Muskogee, Indian Territory.

Dear Sir:

There is herewith enclosed a copy of the decision of the Commission to the Five Civilized Tribes in the matter of the application made by you for the enrollment of yourself and Jack Perryman as citizens of the Creek Nation.

The decision, with a copy of the proceedings had in the case, is this day transmitted to the Secretary of the Interior for his review and decision. The final decision of the Secretary will be made known to you as soon as the Commission is informed of the same.

Yours truly,

T. B. Needles.

Commissioner in charge.

1 enclosure.  
J.P.-86.  
Registered.

(COPY)

Muskogee, Indian Territory, January 18, 1903.

A. P. McFarlop, Esq.,

H. C. Reed, Esq.,

Attorneys for Creek Nation,

Muskogee, Indian Territory.

Gentlemen:

There is herewith enclosed a copy of the decision of the Commission to the Five Civilized Tribes in the matter of the application for the enrollment of John and Jack Perryman as citizens of the Creek Nation.

The decision, with a copy of the proceedings had in the case, is this day transmitted to the Secretary of the Interior for his review and decision. The final decision of the Secretary will be made known to you as soon as the Commission is informed of the same.

Yours truly,

T. B. Needles.

Commissioner in charge.

1 enclosure  
MAR-86.  
Registered.

(COPY)

Letter in reply to the  
following: 1899.

Department of the Interior.  
Office of Indian Affairs.

Washington, Jan. 27, 1902.

The Honorable,

The Secretary of the Interior.

Sir:

I have the honor to transmit herewith a report made on January 18, 1902, by the commission to the five civilized tribes forwarding the record of the proceedings in the matter of the application of John and Jack Perryman for enrollment as citizens of the Creek Nation. The commission reports that the applicants have been recognized as citizens of the Creek Nation by the tribal authorities thereof; that the name of Johnny Perryman was found upon the 1890 and 1895 authenticated Creek rolls, and that the name of Jack Perryman was found upon the 1895 authenticated roll of Admonish Town, originally entered as Fox but changed to Jack.

The commission is of the opinion that the parties should be enrolled as Creek citizens. The office agrees with the opinion and respectfully recommends that the commission be directed to act accordingly.

Very respectfully,  
Your obedient servant,

Commissioner.

W.C.V.

(3.)



(COPY)

23743

DEPARTMENT OF THE INTERIOR

WASHINGTON

I.T.D. 303, 1503  
& 3447-1902.

E.R.S.

April 31, 1902

Commission to the Five Civilized Tribes,  
Ruskagen, I. T.

Gentlemen:

The Department on January 23, 1902, affirmed your decision in the case of John and Jack Perryman, applicants for enrollment as citizens of the Creek Nation, decision being in favor of the claimants. February 11, 1902, at the request of the Department you returned the decision in order that the attorneys for the nation might have further opportunity to be heard. Argument by them has been received.

It appears that the name of John Perryman is found on the 1890 and 1895 authenticated Creek rolls, and the name of Jack Perryman is found on the authenticated 1898 roll of Arkansas Town of the nation; that his name was originally entered "Tom" but changed to "Jack."

It is contended by said attorneys that as these applicants are colored persons their claim to citizenship is through the provisions of the treaty of 1865 (14 Stat., 785), which stipulated that thereafter persons of African descent lawfully residing in said Creek country under their laws and usages, or who



"have been thus residing in said country, and may return thence  
and reap the satisfaction of their country and their descendants  
and such others of the same race as may be permitted by the law of  
the said nation to settle within the limits of the jurisdiction of  
the Creek Nation as citizens (hereof) shall have and enjoy all the  
rights and privileges of native citizens"; that it is incumbent  
on the applicants to show that their citizenship has been determined  
by some lawfully constituted authority of the nation prior to the  
time they were enrolled; that, in the absence of such a showing, the  
presumption must be that their enrollment was procured by fraud or  
without authority of law. Reference is made to section 21 of the Act  
of June 25, 1898 (30 Stat., 495), and certain laws of the Creek Nation.

It is not pretended that evidence can be produced to show  
that there was any irregularity in the enrollment of these applicants,  
and the Department must assume, in the absence of specific allegations  
of fraud, that no fraud was committed, and that the applicants were  
admitted to citizenship by the lawful authorities of the Creek  
Nation." The Department's decision is therefore returned, and you will  
promulgate it in connection herewith.

Respectfully,

THOS. RYAN.

Acting Secretary.

END.

1 inclosure.

Mankatoe, Ind. Terr., May 2, 1902.

John Perryman,

Mankatoe, Ind. Terr.

Dear Sir:

You are hereby advised, in the matter of the application of yourself and John Perryman for enrollment as citizens of the Creek Nation, that the Secretary of the Interior, under date of January 29, 1902, approved the decision of the Commission, dated May 18, 1901, enrolling yourself and John Perryman.

At the request of the Department, its decision was returned February 11, 1902, in which the attorneys for the Creek Nation might have further opportunity to be heard. The Department, under date of April 21, 1902, returned to the Commission its decision herein, with the statement that, after full consideration of the facts presented and arguments of the counsel, it finds no reason to disturb said decision.

Very truly,

E. J. HUNTER,

Commissioner in Charge.

Creek-84.

WCH.

(COPY)

Muskogee, Ind. Ter., May 1, 1902.

Jack Perryman,

Muskogee, Ind. Ter.

Dear Sir:

You are hereby advised, in the matter of the application of yourself and John Perryman for enrollment as citizens of the Creek Nation, that the Secretary of the Interior, under date of January 29, 1902, affirmed the decision of the Commission, dated May 18, 1901, enrolling yourself and said John Perryman.

At the request of the Department, its decision was returned February 11, 1902, in order that the attorneys for the Creek Nation might have further opportunity to be heard. The Department, under date of April 21, 1902, returned to the Commission its decision herein, with the statement that, after full consideration of the facts presented and arguments of the counsel, it finds no reason to disturb said decision.

Yours truly,

T. B. NEEDLES.

Commissioner in Charge.

Creek-86.

OCH.

(COPY)

Muskogee, Ind. Ter., May 1, 1902.

A. P. McKellop, Esq.,

H. C. Reed, Esq.,

Attorneys for the Creek Nation,

Muskogee, Ind. Ter.

Gentlemen:

You are hereby advised, in the matter of the application of John and Jack Perryman for enrollment as citizens of the Creek Nation, that the Secretary of the Interior, under date of January 29, 1902, affirmed the decision of the Commission, dated May 18, 1901, enrolling said John and Jack Perryman.

At the request of the Department, its decision was returned February 11, 1902, in order that the attorneys for the Creek Nation might have further opportunity to be heard. The Department, under date of April 21, 1902, returned to the Commission its decision herein, with the statement that, after full consideration of the facts presented and arguments of the counsel, it finds no reason to disturb said decision.

Yours truly,

T. B. FIDELLIS.

Commissioner in Charge.

Creek-86.

OCH.

L R S

D. C. No 1660

6731

DEPARTMENT OF THE INTERIOR

F.

I. T. D. 595-1902.

Washington, January 29, 1902.

Commission to the Five Civilized Tribes,

Muskogee, I. T.

Gentlemen:

January 27, 1902, the Commissioner of Indian Affairs transmitted the papers in the matter of the application for enrollment of John and Jack Perryman as citizens of the Creek Nation, and stated that he concurs in your opinion that the applicants should be enrolled as such.

It appears from your decision of May 18, 1901, that the names of the applicants are found upon certain of the authenticated rolls of the Creek Nation.

The Department affirms said decision, and you will act accordingly. A copy of the Commissioner's letter of January 27, 1902, is enclosed herewith.

Respectfully,

Thos. Ryan.

Acting Secretary.  
EMD.

1 inclosure.

COMMISSIONERS:

HENRY L. DAWES,  
TAMM BIXBY,  
THOMAS B. NEEDLES,  
C. R. BRECKINRIDGE

ALLISON L. AYLESWORTH,  
SECRETARY

DEPARTMENT OF THE INTERIOR,

COMMISSION TO THE FIVE CIVILIZED TRIBES.

ADDRESS ONLY THE  
COMMISSION TO THE FIVE CIVILIZED TRIBES

Muskogee, Indian Territory, FEB 1 1902, 1902.

Received on this date from the Commission to the Five  
Civilized Tribes a copy of the record of proceedings in the matter  
of the application of John Perryman and Jack Perryman for enrollment  
as citizens of the Creek Nation.

A. M. Keefe

Attorney for Creek Nation.

Creek No. 86.

CR EN 87

CR EN 87



6. 7.

DEPARTMENT OF THE INTERIOR,  
COMMISSION TO THE FIVE CIVILIZED TRIBES.  
MUSKOGEE, I.T. JAN. 21, 1904.

In the matter of former citizens of the Creek Nation whose names appear upon the tribal rolls of said Nation in the possession of the Commission, who died prior to April 1st, 1899.

Larry Brown being duly sworn testified as follows:

BY THE COMMISSION:

The object of this examination is to identify certain persons on the Euchee roll who have been enrolled by the Commission and to ascertain who of those on the rolls died prior to the opening of the Creek land office, (April 1, 1899).

- Q What is your name? A Larry Brown.  
Q What is your age? A Thirty three.  
Q What is your post office address? A Olive, Indian Territory.  
Q Are you a citizen of the Creek Nation, Euchee town? A Yes sir.  
Q Do you hold any official position? A Yes, member of the House of Warriors.

DIED PRIOR TO APRIL 1, 1899.

1890 Roll.

- Q Joe Bigpond- A He is living; lives with that boy.  
Q The same name now? A Yes.

*There is a Joe Brown - a child living.*

Louesa Tahco wenny? A She is dead.

Q Did she die before the land office opened? A Before.

Q John Harvison? A He is dead.

Q Did he die before or after the land office opened? A I think he died before the land office opened; its a good while since he died.

Q About how many years? A About six years.

Q Are you sure that he died before the land office opened? A I think so; he is my first cousin.

DIED PRIOR TO APRIL 1, 1899.

Q Cah ko ke thlon? A I know him; he died.

Q Do you know whether he died before or after the land office opened? A I don't know about him.

Q Ta lo wee Jack? A I know Ta lo wee.

Q Is he living? A Dead.

Q Did he die before or after the land office opened? A After.

Q Nancy Arwee? A She died before the land office opened.

Q Pocananny? A She died before the land office opened.

Q Toe akarh? A She is living.

Q What is her name now? A They call her the same name.

Q Is she married? A No.

Q What is her father's name? A I don't know.

Q Do you know her mother's name? A Pocananny is her mother.

Q - Jude coweny? A I know she died a f good while ago but I can't say whether she died before or after the land office opened.

7751. Q How about Con char char? A He is dead.

Q Know when he died? A Died last winter sometime.

Q Did he have any other name A Con Char char, and Buckshot was his English name.

Q Did he have any given name? A No.

Q Cah lo wee? A She is dead.

Q When did she die? A Before tha ldn office opened.

Q La ha co weny? A I don't know when she died; quite a while ago.

Q Don't know whether she died before the land office opened or not?

A No, I don't.

Jennetta Tiger and Moses Bailey? A Both living.

Q What's their name now? A Same name.

Q Did Jennetta Tiger and Moses Bailey ever go by the name of Jennetta and Moses Pell? A No.

Q Did they ever belong to Osoche town? A I don't know what town they belonged.

OK Q There is a Jenetta Pill and Moses Pill in Osoche town? A They aint Eucheas.

Q Is Jenetta the wife of Jack Tiger? A Yes sir.

Q And who is Moses' father? A Charley Bailey.

Q Euxhee? A Yes sir.

Q And Jenetta isn't a Eucheas at all? A No.

(Reference is made to Card 400.)  
same

James Tiger? A He is dead.

Q Know whether he died before or after the land office opened?

A Before the land office apened.

Q Sack co tany Tiger? A She died before the land office opened.

Q Tanny Cotanny? A She died before the land office opened.

Q Sar de lay Tarkany? A I think that boy is living.

Q What is his father's name? A Tarkany.

Q And his mother? A Tah pan fah.

Q Has he an English name? A No.

Q How old is he? A About 14 years old.

Q What is his post office address? A Kellyville.

Q Har ko tanny? A She is dead.

Q Do you know when she died? A In '95.

Q Before the land office oened? A Yes sir.

2815 Yankon co Kany? A He living.

Q Has he filed? A I think so; I think his brother filed for him.

Q How old is he? A About eighteen or nineteen.

Q Has he any other name? A No; call him Whiteman Price in English; Little-head also.

Q Is he married? A No.

Q What is his post office address? A Kellyville.

Q Co thlena? A Died before the land office opened.

2751 Q Mattie? A Living.

Q Is she married? A Yes.

Q What is her husband's name? A Buckshot; Con charchar.

Q She is his wife? A Yes.

Q What is her post office? A Kellyville.

Q Tah sa co con weny? A He is dead.

Q When did he die? A Before land office opened.

Q Sakey or Sukey? A She's dead.

Q Do you know when she died? A Before land office opened.

Q Co toe ny? A She died before land office opened.

Q Willie Billie? A He is living-- no, he is dead now; he was a boy; there was one of them died and this is the same one; he died before the land office opened.

Q Are you sure it is the same child? A Yes.

Q Judy Behen? A She died before land office opened.

Q George Long? A He is living.

Q What is his Euchee name? A That's Euchee name.

Q That's the only one? A Yes sir.

Q Do they ever call him He ca thlany? A Sometimes.

Q Tah shat he antay Co tee yah san? A I think she died before land office opened.

Q Are you sure about her? A Yes, sure about that.

Hannah-Aldenson-

Q Billy Bigpond? A He is dead.

Q Do you know when he died? A Before the land office opened.

Q A Phebe Crow concess? A She died before land office opened.

Q A Sa ka toe Bearhead? A He died before land office opened.

Q A Con Charny? A He died before land office opened.

Q A Rolly? A Died before land office opened.

Q Arsee Co pah tonny? A She is living.

Q How old is she? A About-- I don't know.

Q Is she married? A Yes.

Q What is her husband's name? A Stephen Cloud.

Q What is her name in English? A That's only name she got.

Q Have they any children? A She got one.

Q Where do they live? A Away above Bristow.

Q Sahnah? A She is dead; I don't know when; yes, she is dead after the land office opened.

Q A Muttelokee? A He died before land office opened.

3497  
Q Contan Conpecinny? And Jose Conpecinny? A They died but I don't know when they died.

Q A Yah tar cah ny? A He died before land office opened. Way before.

Q A Jennie Bigpond? A She died before land office opened.

Q Ucah ko ke thlon and Pompey and Cah tah nay? A Pomp is dead; I don't know when.

Q Do you know whether it was this same man? A Yes.

Q Did he have any other name? A No sir.

Q Do you know his father? A Ah ta kin ney I think.

Q And his mother? A I don't know his name.

Q Do you know this Cah tanny there? A No.

Q A Shen ka sen? A She died before land office opened.

(1891 Omitted roll).

Ah ta co wee Short and Jo pe Cah fah na Short? A I don't know the first name; I know this one; he is living.

Q What is his name now? A That's his name; same name.

Q How old is he? A About 35 I guess.

Q Is he married? A No.

Q What's his post office? A Bristow.

Q Co ne ah (Bigpond) A That's John Bigpond; he is living.  
Q And filed probably under the name of John Bigpond? A Yes sir.

860 Q Muskogee Benarkey? A He is living.  
Q How old? A About 12 or 13.  
Q What name does he go by now? A Jim Muskogee.

1895 Payroll.

See 86, 2<sup>nd</sup> page.

Jimmie Littlehead? A He died before land office opened.

See #16

Q Sah tay Agent? A She died before land office opened.

Q Johnnie Bigpond? A I think he died before land office opened.  
Q Are you positive that he died before land office opened? A Yes, my sister's child.

A Sah cah fab nah charlton? A She died before land office opened.

Q Timme Jack and Cinda? A Bothe died before land office opened.

Q Lucy Sah co thar? A Died before land office opened.

Q David Rolland? A He died before land office opened.  
Q You are sure of that are you? A Yes sir.

Q Henry Porter? A I have known Henry Porter; he is dead; he must have been about 20 years old.

Q Belonged to your town? A Yes sir.  
Q Know when he died? A Before the land office opened.

Q John Harrison; is that the same as John Harvison on the 1890 roll?  
A Yes, the same one.

Q Did he die before land office opened? A Yes.

Q Judy Behen? A She died before land office opened.

A Lizzie Brown? A She died before land office opened.

Q Ah co thle nay? A He died before land office opened.

Q Sah co tah hoy? A She died before land office opened.

Q. Fannie? A She died before land office opened.

Q A. Mutte Loke? A. Died before land office opened.

Q. A Zak sah co con char nay? A She died before land office opened.

Q George, Edward and Rebecca Bailey? A They live in Texas, but if they are all living I don't know.

Q Do you know what they are doing in Texas? A Don't know.

Q Do you know how much Euchee they have? A I don't know.

Q Are they full bloods? A No sir.

Q Are they part white and part Euchee? A I think so.

1895 Omitted Roll.

Q - Timmusee Fulsom? A I think died before land office opened.

[illegible]

Henry G. Hains being sworn on his oath states that as stenographer to the Commission to the Five Civilized Tribes he reported the above on January 21, 1904, and that this is a full, true and correct transcript of his stenographic notes in same.

Henry H. Lains

Subscribed and sworn to before me this 22nd. day of January, 1904.

Edward Mestick.  
Notary Public.

DEPARTMENT OF THE INTERIOR  
COMMISSION TO THE FIVE CIVILIZED TRIBES.  
MUSKOGEE, IND. TER, FEBRUARY 19th, 1901.

In the matter of the application of Thomas McIntosh  
for enrollment as a citizen of the Creek Nation. Thomas McIntosh  
being duly sworn, testified as follows:

.....

- Q As a citizen of what Nation are you an applicant for enrollment? A Creek Nation.
- Q What is your name? A Thomas McIntosh.
- Q What is your age? A 33.
- Q What is your post office address? A Checotah, I. T.
- Q Have you ever been recognized by the tribal authorities of the Creek Nation as a citizen of the Creek Nation? A Yes sir.
- Q Have you ever been enrolled by the tribal authorities as a citizen of the Creek Nation? A Yes sir.
- Q Does your name appear upon the tribal rolls of the Creek Nation? A Yes sir.
- Q Where do you live? A Near Checotah, on Elk Creek.
- Q How long have you lived there? A 33 years.
- Q What is the name of your father? A William F. McIntosh.
- Q Is he living? A No sir.
- Q Is his name on any of the rolls of the Creek Nation? A Yes sir.
- Q To what town in the Creek Nation did he belong to? A Broken Arrow.
- Q What is the name of your mother? A Bettie McIntosh.
- Q Is she living? A No sir.
- Q Is her name on any of the rolls of the Creek Nation? A No sir.
- Q What was her citizenship? A She was a Cherokee.
- Q Does her name appear on the rolls of the Cherokee Nation? A I think it does.
- Q How long have you lived in the Indian Territory? A All my life.
- Q Have you been outside the Territory in the last three years? A I have not.
- Q Does your name appear upon the 1890 authenticated roll of the Creek Nation? A I think it does.

1890 Authenticated roll of the Creek Nation examined  
and the names of Thomas McIntosh found thereon at page  
222.

- Q Does your name appear upon the 1895 authenticated roll of the Creek Nation? A I think it does, I guess that was when I enrolled my family.

1895 Pay-roll, Broken Arrow town examined and the  
name of Thos. F. McIntosh found thereon at number 228.

- Q What proportion of Creek blood do you claim to have? A One third.
- Q Are you married? A Yes sir.
- Q Under what law were you married? A Creek law.
- Q Have you your marriage license and certificate that you desire to offer in evidence at this time with the Commission? A I hav'nt got it with me.



#2. Thomas McIntosh.

- Q Is your wife a citizen of the Creek Nation? A Yes sir.  
Q Has she been enrolled by the Commission? A Yes sir.  
Q What is her name? A Kate McIntosh.  
Q Is she living? A Yes sir.  
Q Is she a citizen by blood of the Creek Nation? A Yes sir.

The records of the Commission show that Kate McIntosh together with her children, John, Julia, Betty, Jewel and Roy McIntosh, on Creek Census Card Field number 992.

- Q Have you any children under 18 years of age and unmarried for whom you now desire to make application? A My wife and children have already been enrolled.  
Q Are you advised Mr. McIntosh, that the Act of June 28, 1898 contains the following provisions:  
"The several tribes may by agreement determine the rights of persons who for any reason may claim citizenship in two or more tribes, and to allotment of lands and distribution of moneys belonging to each tribe; but if no such agreement be made, then such claimant shall be entitled to such rights in one tribe only, and may elect in which tribe he will take such right."  
A Yes sir.  
Q In which Nation do you now elect to be enrolled and take your allotment of land? A Creek Nation.  
Q Is there any additional statement that you now desire to make at this time? A No sir, I think not.

You will be furnished at a later date with a copy of the decision with reference to the application made by you at this time, for enrollment as a citizen of the Creek Nation, which will be mailed to you at your present post office address at Checotah, Indian Territory.

Lona Cummings having been first duly sworn, upon her oath states that as stenographer to the Commission to the Five Civilized Tribes, she reported in full all proceedings had in the above entitled cause, on the 18th day of February, 1901, and that above and foregoing is a full, true and correct transcript of her stenographic notes of said proceedings on said date.

Lona Cummings

Subscribed and sworn to before me at Muskogee, Indian Territory this 19 day of February, A.D., 1901.

[Signature]  
Acting Chairman.

DEPARTMENT OF THE INTERIOR  
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application of Thomas McIntosh for enrollment as a citizen of the Creek Nation.

DECISION.

It appears from the record in this case that Thomas McIntosh on February 16, 1901, appeared before this Commission at Muskogee, Indian Territory and made application for enrollment as a citizen of the Creek Nation and that his mother was Bettie McIntosh, a recognized citizen of the Cherokee Nation.

It also appears that the said Thomas McIntosh had been recognized as a citizen of the Creek Nation by the tribal authorities thereof and his name is found upon the 1890 authenticated Creek roll and upon the 1895 pay roll of Broken Arrow Town of the Creek Nation.

It further appears that the said Thomas McIntosh has elected to be enrolled as a citizen of the Creek Nation and to take allotment of lands and distribution of moneys in the Creek Nation in accordance with the provisions of paragraph 8 of the act of Congress of June 26, 1896, (30 Stats. 495) which are as follows:

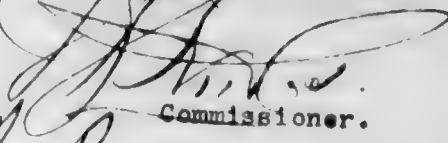
"The several tribes may, by agreement, determine the right of persons who for any reason may claim citizenship in two or more tribes, and to allotment of lands and distribution of moneys belonging to each tribe; but if no such agreement be made, then such claimant shall be entitled to such rights in one tribe only, and may elect in which tribe he will take such right; but if he fail or refuse to make such selection in due time, he shall be enrolled in the tribe with whom he has resided, and there be given such allotment and net elsewhere."

It is therefore the opinion of the Commission that the said Thomas McIntosh is a citizen by adoption of the Creek Nation and that in accordance with his election he should be enrolled as a citizen of the said Nation and it is so ordered.

The Commission to the Five Civilized Tribes.

Dated at Okmulgee, Indian Territory,  
this the 14th day of May, 1901.

  
Acting Chairman.

  
Commissioner.

  
Commissioner.

Supplemental. *E. 43.*

DEPARTMENT OF THE INTERIOR  
COMMISSION TO THE FIVE CIVILIZED TRIBES  
OKMULGEE, I.T., NOVEMBER 28th, 1903.

In the matter of accounting for those persons whose names appear on the Creek tribal rolls, who died prior to April 1st, 1899, and are not shown to have been otherwise accounted for.

S. W. BROWN, being first duly sworn by R. R. Cravens, notary public testified as follows:

BY THE COMMISSION:

Q What is your name? A S. W. Brown.

Q In your testimony heretofore given, you stated that Hecahtahlany Johnson was living and had filed. Do you know of any other name he was called by? A No, sir.

Q Is he living now? A Dead.

Q Died since he filed? A Yes, sir, died last summer.

Q About how old was he when he died? A About 17 or 18.

Q He was a son of Andrew Johnson? A Yes, sir.

Q In your testimony heretofore given, you stated that John Davis got killed after the land office opened and that he had filed?

A Yes, sir.

Q I find two John Davis in your town. I find a John Davis enrolled on the 1890 roll by himself. Then I find a John Davis over here in the family of Minnie Davis. Which one is ~~xxxx~~ it? A The one that is enrolled with Minnie.

Q Is there more than one John Davis in your town? A Only one.

Q That is evidently then a double enrollment? A Yes, sir.

Q Is Minnie Davis his daughter? A I think so.

Q The statement heretofore made is in regard to the John Davis on Page 98, about his being killed? A Yes, sir.

Q And John Davis on Page 100. You say he is Minnie Davis's son, 12 or 13 years old and living? A Yes, sir, he is going to Euche Mission.

Q Then there are <sup>two</sup> John Davis? A Yes, sir, I did not think of that little boy.

Q Nancy Tiger? A She died before the land office opened. (Page 100)

(Page 105) Pompey? A He has no other name. He has filed.

Q About how old is Pompey? A He is grown and has a family.

Q What is his wife's name? A I cannot tell you now.

Q Crawford Thomas? A He is an orphan child. A Euche.

Q About how old is he? A He must be about 20 or 21.

Q What is the name of his father? A His grand-father's name was old Man Jesters. I don't know his father's name. I never have seen him. He was raised by a yellow woman.

Q You don't know whether he is living or not? A No, sir.

Q How long since you heard from him? A I can find out about him.

Q He does not live far from here. He was here at this orphan school - this Mission. I don't know how long he stayed there.

Q Do you know the name of the woman who has charge of him? A I can not think of her name now.

The undersigned, being first duly sworn by Edward Merrick, notary public, states that as stenographer to the Commission to the Five Civilized Tribes he recorded in full the testimony in the above matter, and that the above is a true and complete transcript of his stenographic notes thereof.

*R R Cravens*

Subscribed and sworn to before me this the 7th day of December, A. D., 1903, at Muskogee, Indian Territory.

*Edward Merrick*  
Notary Public.

DEPARTMENT OF THE INTERIOR,  
COMMISSION TO THE FIVE CIVILIZED TRIBES.  
MUSKOGEE, I.T. JAN. 21, 1904.

In the matter of former citizens of the Creek Nation whose names appear upon the tribal rolls of said Nation in the possession of the Commission, who died prior to April 1st, 1899.

Larry Brown being duly sworn testified as follows:

BY THE COMMISSION:

The object of this examination is to identify certain persons on the Euchee roll who have been enrolled by the Commission and to ascertain who of those on the rolls died prior to the opening of the Creek land office, (April 1, 1899).

- Q What is your name? A Larry Brown.  
Q What is your age? A Thirty three.  
Q What is your post office address? A Olive, Indian Territory.  
Q Are you a citizen of the Creek Nation, Euchee town? A Yes sir.  
Q Do you hold any official position? A Yes, member of the House of Warriors.

1890 Roll.

- Q Joe Bigpond- A He is living; lives with that boy.  
Q The same name now? A Yes.

- Leussa Tahoe wenny? A She is dead.  
Q Did she die before the land office opened? A Before.

- Q John Harvison? A He is dead.  
Q Did he die before or after the land office opened? A I think he died before the land office opened; its a good while since he died.  
Q About how many years? A About six years.  
Q Are you sure that he died before the land office opened? A I think so; he is my first cousin.

- Q Cah ke ke thlon? A I knew him; he died.  
Q Do you know whether he died before or after the land office opened? A I don't know about him.

- Q Ta lo wee Jack? A I know Ta lo wee.  
Q Is he living? A Dead.  
Q Did he die before or after the land office opened? A After.

- Q Nancy Arwee? A She died before the land office opened.

- Q Pecananny? A She died before the land office opened.

- Q Tee akarh? A She is living.  
Q What is her name now? A They call her the same name.  
Q Is she married? A No.  
Q What is her father's name? A I don't know.  
Q Do you know her mother's name? A Pecananny is her mother.

Q Jude cewany? A I know she died a f good while ago but I can't say whether she died before or after the land office opened.

Q How about Cen char char? A He is dead.

Q Know when he died? A Died last winter sometime.

Q Did he have any other name A Cen Char char, and Buckshot was his English name.

Q Did he have any given name? A No.

Q Cah lo wee? A She is dead.

Q When did she die? A Before the land office opened.

Q La ha co wany? A I don't know when she died; quite a while ago.

Q Don't know whether she died before the land office opened or not?

A No, I don't.

Jennetta Tiger and Moses Bailey? A Both living.

Q What's their name now? A Same name.

Q Did Jennetta Tiger and Moses Bailey ever go by the name of Jennetta and Moses Pell? A No.

Q Did they ever belong to Osoche town? A I don't know what town they belonged.

Q There is a Jenetta Pill and Moses Pill in Osoche town? A They aint Buchee.

Q Is Jenetta the wife of Jack Tiger? A Yes sir.

Q And who is Moses' father? A Charley Bailey.

Q Buchee? A Yes sir.

Q And Jenetta isn't a Buchee at all? A No.

(Reference is made to Card 400.)

James Tiger? A He is dead.

Q Know whether he died before or after the land office opened?

A Before the land office opened.

Q Sack co tany Tiger? A She died before the land office opened.

Q Tanny Gotanny? A She died before the land office opened.

Q Sar de lay Tarkany? A I think that boy is living.

Q What is his father's name? A Tarkany.

Q And his mother? A Tah pan fah.

Q Has he an English name? A No.

Q How old is he? A About 14 years old.

Q What is his post office address? A Kellyville.

Q Har ko tanny? A She is dead.

Q Do you know when she died? A In '95.

Q Before the land office opened? A Yes sir.

Yankon ee Kany? A He living.

Q Has he filed? A I think so; I think his brother filed for him.

Q How old is he? A About eighteen or nineteen.

Q Has he any other name? A No; call him Whiteman Price in English; Little-head also.

Q Is he married? A No.

Q What is his post office address? A Kellyville.

Q Co thlena? A Died before the land office opened.

Q Mattie? A Living.

Q Is she married? A Yes.

Q What is her husband's name? A Buckshot; Con charchar.

Q She is his wife? A Yes.

Q What is her post office? A Kellyville.

Q Tah sa ee con weny? A He is dead.

Q When did he die? A Before land office opened.

Q Sakey or Sukey? A She's dead.

Q Do you know when she died? A Before land office opened.

Q Co tee ny? A She died before land office opened.

Q Willie Billie? A He is living-- no, he is dead now; he was a boy; there was one of them died and this is the same one; he died before the land office opened.

Q Are you sure it is the same child? A Yes.

Q Judy Behen? A She died before land office opened.

Q George Leng? A He is living.

Q What is his Euchee name? A That's Euchee name.

Q That's the only one? A Yes sir.

Q Do they ever call him He ee thlany? A Sometimes.

Q Tah shaz he antay Co tee yah san? A I think she died before land office opened.

Q Are you sure about her? A Yes, sure about that.

Hannah-Aldensen-

Q Billy Bigpend? A He is dead.

Q Do you know when he died? A Before the land office opened.



- Q Phoebe Crew concess? A She died before land office opened.
- Q Sa ka toe Bearhead? A He died before land office opened.
- Q Con Charny? A He died before land office opened.
- Q Rolly? A Died before land office opened.
- Q Arsee Co pah tonny? A She is living.
- Q How old is she? A About-- I don't know.
- Q Is she married? A Yes.
- Q What is her husband's name? A Stephen Cleud.
- Q What is her name in English? A That's only name she got.
- Q Have they any children? A She got one.
- Q Where do they live? A Away above Bristow.
- Q Sahbah? A She is dead; I don't know when; yes, she is dead after the land office opened.
- Q Muttelokee? A He died before land office opened.
- Q Centan Conpecinny? And Jose Conpecinny? A They died but I don't know when they died.
- Q Yah tar cah ny? A He died before land office opened. Way before.
- Q Jennie Bigpond? A She died before land office opened.
- Q Ueah ko ke thlen and Pompey and Cah tah nay? A Pomp is dead; I don't know when.
- Q Do you know whether it was this same man? A Yes.
- Q Did he have any other name? A No sir.
- Q Do you know his father? A Ah ta kin nay I think.
- Q And his mother? A I don't know his name.
- Q Do you know this Cah tanny there? A He.
- Q
- Q Shen ka sen? A She died before land office opened.

(1891 Omitted roll).

- Ah ta oo wee Short and Je pe Cah fah na Short? A I don't know the first name; I know this one; he is living.
- Q What is his name now? A That's his name; same name.
- Q How old is he? A About 35 I guess.
- Q Is he married? A No.
- Q What's his post office? A Bristow.



- Q Go ne ah (Bigpond) A That's John Bigpond; he is living.  
Q And filed probably under the name of John Bigpond? A Yes sir.
- Q Muskegee Benarkey? A He is living.  
Q How old? A About 12 or 13.  
Q What name does he go by now? A Jim Muskegee.

1895 Payroll.

Jimmie Littlehead? A He died before land office opened.

Q Sah tay Agent? A She died before land office opened.

Q Johnnie Bigpond? A I think he died before land office opened.  
Q Are you positive that he died before land office opened? A Yes, my sister's child.

Sah oah fab nah charlton? A She died before land office opened.

Q Timsie jack and Cinda? A Both died before land office opened.

Q Lucy Sah oo thar? A Died before land office opened.

Q David Rolland? A He died before land office opened.  
Q You are sure of that are you? A Yes sir.

Q Henry Porter? A I have known Henry Porter; he is dead; he must have been about 20 years old.  
Q Belonged to your town? A Yes sir.  
Q Know when he died? A Before the land office opened.

Q John Harrison; is that the same as John Harvisen on the 1890 roll?  
A Yes, the same one.  
Q Did he die before land office opened? A Yes.

Q Judy Behan? A She died before land office opened.

Lizzie Brown? A She died before land office opened.

Q Ah oo thie nay? A He died before land office opened.

Q Sah oo tah bey? A She died before land office opened.

Q Fannie? A She died before land office opened.

Q Mutte Lake? A Died before land office opened.

Q Zak sah oo cen char nay? A She died before land office opened.

Q George, Edward and Rebecca Bailey? A They live in Texas, but if they are all living I don't know.

Q Do you know what they are doing in Texas? A Don't know.

Q Do you know how much Eushes they have? A I don't know.

Q Are they full bloods? A No sir.

Q Are they part white and part Eushes? A I think so.

1895 Omitted Roll.

Q Timmusee Fulson? A I think died before land office opened.

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~~XX~~  
~~XX~~

Henry G. Hains being sworn on his oath states that as stenographer to the Commission to the Five Civilized Tribes he reported the above on January 21, 1904, and that this is a full, true and correct transcript of his stenographic notes in same.

*Henry G. Hains*

Subscribed and sworn to before me this 22nd. day of January, 1904.

*Edward Merrick*  
Notary Public.

C O P Y .

Muskogee, Indian Territory, January 18, 1902.

The Honorable,

The Secretary of the Interior.

Sir:

There is herewith transmitted the record of proceedings in the matter of the application of Thomas McIntosh for enrollment as a citizen of the Creek Nation, including the decision of the Commission enrolling said applicant as a citizen of the said nation.

Respectfully,

T.B.Needles.

Commissioner in Charge.

Through the Commissioner  
of Indian Affairs.

1 enclosure.  
Creek-87.

C O P Y .

Muskogee, Indian Territory, January 18, 1902.

Thomas McIntosh,

Checotah, Indian Territory.

Dear Sir:

There is herewith enclosed a copy of the decision of the Commission to the Five Civilized Tribes in the matter of your application for enrollment as a citizen of the Creek Nation.

The decision, with a copy of the proceedings had in the case, is this day transmitted to the secretary of the Interior for his review and decision. The final decision of the secretary will be made known to you as soon as the Commission is informed of the same.

Yours truly,

T.B.Needles.

Commissioner in Charge.

1 enclosure.  
T. McIntosh.  
Registered.

C O P Y .

Muskogee, Indian Territory, January 18, 1902

A. P. McKelley, Esq.,

H. C. Reed, Esq.,

Attorneys for the Creek Nation.

Muskogee, Indian Territory.

Gentlemen:

There is herewith enclosed a copy of the decision of the Commission to the Five Civilized Tribes in the matter of the application of Thomas McIntosh for his enrollment as a citizen of the Creek Nation

The decision, with a copy of the proceedings had in the case, is this day transmitted to the Secretary of the Interior for his review and decision. The final decision of the Secretary will be made known to you as soon as the Commission is informed of the same.

Yours truly,

T.B.Needles.

Commissioner in Charge.

1 enclosure.  
McK. & R.(26)  
Registered.

(COPY)

L.R.S.  
I.T.D.1267-1902.

P.

Department of the Interior  
Washington

March 5, 1902.

Commission to the Five Civilized Tribes,  
Muskogee, I.T.

Gentlemen:

The Department has considered the application of Thomas McIntosh for enrollment as a citizen of the Creek Nation.

It appears that applicant's mother was Bettie McIntosh, a recognized citizen of the Creek Nation; that Thomas McIntosh has been recognized as a citizen of the Creek Nation by the tribal authorities, and his name is found upon the 1890 authenticated Creek roll and upon the 1895 pay roll of Broken Arrow Town of the Creek Nation. He elects to be enrolled as a citizen of the Creek Nation. You found that he was entitled to be so enrolled.

February 18, 1902, the Commissioner of Indian Affairs concurred in your decision.

Finding no reason to disturb your decision, it is affirmed.

Respectfully,

THOS. RYAN.

Acting Chairman.

END.

COMMISSIONERS  
HENRY L. DAWES.  
TAMM BIXBY.  
THOMAS B. NEEDLES.  
C. R. BRECKINRIDGE.

ALLISON L. AYLESWORTH  
SECRETARY

DEPARTMENT OF THE INTERIOR.  
COMMISSION TO THE FIVE CIVILIZED TRIBES.

(COPY)

REFER IN REPLY TO THE FOLLOWING

ADDRESS ONLY THE  
COMMISSION TO THE FIVE CIVILIZED TRIBES

Muskogee, Ind.Ter., April 2, 1902.

Thomas McIntosh,

Checotah, Ind.Ter.

Dear Sir:

You are hereby advised that the Secretary of the Interior, under date of March 5, 1902, affirmed the decision of the Commission, dated May 14, 1901, enrolling yourself as a citizen of the Creek Nation.

Yours truly,

C. R. BRECKINRIDGE.  
Commissioner in Charge.

Creek-87.

OOH.



COMMISSIONERS  
HENRY L. DAWES.  
TAMM BIXBY.  
THOMAS B. NEEDLES.  
C. R. BRECKINRIDGE.

ALLISON L. AYLESWORTH.  
SECRETARY

DEPARTMENT OF THE INTERIOR.  
COMMISSION TO THE FIVE CIVILIZED TRIBES.  
(COPY)

REFER IN REPLY TO THE FOLLOWING

ADDRESS ONLY THE  
COMMISSION TO THE FIVE CIVILIZED TRIBES

Muskogee, Ind.Ter., April 2, 1902.

A. P. McKellop, Esq.,

H. C. Reed, Esq.,

Attorneys for the Creek Nation,

Muskogee, Indian Territory.

Gentlemen:

You are hereby advised that the Secretary of the Interior, under date of March 5, 1902, affirmed the decision of the Commission, dated May 14, 1901, enrolling Thomas McIntosh as a citizen of the Creek Nation.

Yours truly,

C. R. BRECKINRIDGE.  
Commissioner in Charge.

Creek-87.

OCH.

COMMISSIONERS:

HENRY L. DAWES,  
TAMM BIXBY,  
THOMAS B. NEEDLES,  
C. R. BRECKINRIDGE

ALLISON L. AYLESWORTH,  
SECRETARY

DEPARTMENT OF THE INTERIOR,

COMMISSION TO THE FIVE CIVILIZED TRIBES.

ADDRES ONLY THE  
COMMISSION TO THE FIVE CIVILIZED TRIBES

Muskogee, Indian Territory, FEB 1 1902, 1902.

Received on this date from the Commission to the Five  
Civilized Tribes a copy of the record of proceedings in the matter  
of the application of Thomas McIntosh for enrollment as a citizen  
of the Creek Nation.

A. P. M. Hieck

Attorney for Creek Nation.

Creek No. 87.

CR EN 88

CR EN 88

DEPARTMENT OF THE INTERIOR,  
COMMISSION TO THE FIVE CIVILIZED TRIBES.  
Muskegee, Indian Territory, February 19, 1901.

In the matter of the application of Tebe Stidham for enrollment as a citizen of the Creek Nation; Tebe Stidham being duly sworn testified as follows:

(Examination by the Commission.)

Q As a citizen of what Nation are you making application for enrollment? A Creek Nation.

Q What is your name? A Tebe Stidham.

Q What is your age? A Well I can't tell you that, about fifty some odd years.

Q What is your post-office address? A Okmulgee.

Q Have you ever been recognized by the tribal authorities of the Creek Nation as a citizen of the Creek Nation? A I don't think I have.

Q Have you ever been enrolled by the Creek tribal authorities as a citizen of the Creek Nation? A No sir.

Q Does your name appear upon the tribal rolls of the Creek Nation?

A Yes sir, I think it does.

Q It does? A Yes sir.

Q When did you first apply to the Commission here for enrollment?

A It was year before last when they were at the Court House, I think that it has been two years ago.

Q Have you ever been before the Commission during the last two years? A Yes sir.

Q Where? A Up here at the Court House.

Q Nowhere since then? A I was here about a month ago.

Q Where do you live? A I live at Flat Rock on the other side of Okmulgee.

Q How long have you lived there? A Lived there going on five years.

Q Where did you live prior to that time? A I lived on Duck Creek in Creek Nation.

Q How long did you live there? A I lived there one year.

Q Where did you live prior to that? A I lived with my cousin one year.

Q Where did you live before that? A Before that I was living on Duck Creek. I lived on Duck Creek the first place I lived after coming to the Territory.

Q When did you come to the Territory? A About 9 years ago.

Q Where did you live before you came to the Territory?

A Heney Grove, in Texas.

Q How long did you live in Texas? A I can't tell you that. After I come back here I went back after peace was declared.

Q Did you go to Texas during the War? A Yes sir.

Q When was the first time that you returned to the Territory after you went to Texas during the War? A That was after peace was declared.

Q Did you go back to the Territory after the War at any time before nine years ago? A Yes sir.

Q Was nine years ago the first time you have come back to the Territory? A No sir, I went back and stayed a while and then came back again. I have come back to the Territory twice.

Q How long after the War did you come back for the first time?

A I think it was in the Spring, the same year when peace was declared.

Q It was in the Spring of the same year? Was that the same year that peace was declared? A No sir, the second year after peace was declared.

Q How long did you stay up here at that time? A I stayed about a month.

Q Then you went back to Texas? A Yes sir.

Tobe Stidham-2-

- Q Then you stayed in Texas up to nine years ago and then you came back to the Territory? A Yes sir.
- Q What is the name of your father? A Dick.
- Q Is that all of them? A That is all I know.
- Q Is he living? A He died before I got any size.
- Q Was he a citizen of the Creek Nation? A Yes sir.
- Q Your father? A Yes sir.
- Q Was his name on the Dunn roll? A No sir, he died long before the War.
- Q Was your father a Creek Indian? A No, a colored man.
- Q What is the name of your mother? A Lisa Stidham.
- Q Is she living? A No sir, she died nine years ago.
- Q Is her name on the Dunn roll? A Yes sir.
- Q To what town in the Creek Nation did she belong? A She belongs to Arkansas.
- Q How long have you lived in the Indian Territory? A Bred and born here.
- Q Have you been outside of the Territory within the past three years? A No sir.
- Q Does your name appear upon the Dunn roll? A Yes sir.
- Q What is your name on the Dunn roll? A Tobe Stidham.
- Q Does your name appear on the 1890 authenticated roll of the Creek Nation? - - - You don't know, do you? A No sir.
- Q Did you draw the \$29.00? A No sir.
- Q Did you draw the \$14.40? A No sir.
- Q Are you married? A Yes sir.
- Q Is your wife a citizen of the Creek Nation? A No sir.
- Q Have you your marriage license with you? A No sir.
- Q Have you any children under 18 years of age and unmarried, for whom you now desire to make application? A Yes sir, I have a girl married, under 18 years of age, living in the States.
- Q How old is she? A About 14 years old.
- Q Married? A Yes sir.
- Q What is her name? A Eva Stidham.
- Q What is her name since she has married? A I can't tell you. I don't know.
- Q Is there any additional statement you wish to make in regard to your application? A No sir.

-----

Examined by Judge H. C. Reed, Attorney for the Creek Nation.

- Q You state you come shortly after the war into the Territory?
- A Yes sir.
- Q Who came with you? A Come by myself.
- Q Haven't you ever been before the Colbert Commission at Okmulgee?
- A Yes sir. I was before them but they set me one side.
- Q You state you lived in Texas and you came all the way into the Territory by yourself? A Yes sir.
- Q When you came back from Texas the second year after the War, you were here a month? A About a month.
- Q Who did you see while you were here? A I saw my cousin, Morris Cobb.
- Q Who else? My brother Beb.
- Q Who did you see then that is now living? A Morris Cobb is living.
- Q Who else did you see? A My brother Beb.
- Q I say that is living now? A Well, I saw Morris Cobb and my brother and Jeffry Smith.
- Q Is he living? A Yes sir.
- Q Who else? A Jeffry's sister, Tyra.
- Q Is that all you saw while you were here? A Well, I saw some of my kin folks.

Tobe Stidham -3-

Q Where did Tyra live when you came here? A I think she lived near Fort Smith; no, not Fort Smith but Fort Gibson. I didn't go over to Fort Gibson, I just went to Old Agency.

Q Where did you meet Morris Cobb? A At Old Agency.

Q You state you had been here one month; who did you stay with that month you stayed here? A I stayed with Tyra Smith about a month, as far as I can recollect.

Witness excused.

Jennie Ross, being duly sworn, testified as follows:

Examination by Commission.

Q Are you a citizen of the Muskogee Nation? A Yes sir.

Q Have you been enrolled by the Commission to the Five Civilized Tribes? A Yes sir.

Q Are you acquainted with Tobe Stidham? A He is my brother.

Q How long have you known him? A Lived and raised with him in the Creek Nation.

Q Did he go to Texas at the same time you did? A Yes sir, they all went together.

Q When was the first time that he came back after he went to Texas?

A I can't tell you that. We came back before they did.

Q When was the first time you saw him after the War? A He came once and then went back.

Q You saw him then? A Yes sir.

Q Where? A At Eufaula.

Q Was that right after the War? A After peace.

Q How long after peace? A A very long time.

Q How long ago? A I couldn't tell you.

Q You can tell how many years it has been? A I can't tell you.

Q Was it just a little while after the War? A About two years after the War, I think.

Q Where were you living then? A I was living at Eufaula after I came from Texas.

Q Did he come to see you? A He came to see mother.

Q How long did he stay? A He stayed a day or so.

Q Was he riding on horse back? A He came on the train.

Q He came on the train? A Yes sir.

Q And he got off the train at Eufaula and came to see your mother?

A Yes sir.

Q That was after the trains were running through Eufaula? A Yes sir.

Q When was the next time he came back? A I don't know how long it was now.

Q About nine years ago, was that about right? A I think so.

Q When Tobe came to see your mother at Eufaula, was anybody with him? A No sir.

Q Was he on his way up here or was he going back to Texas?

A He was going back to Texas.

Witness excused.

Tobe Stidham recalled. (Examination by the Commission).

Q When you came back from Texas, about two years after the War, how did you travel? A I came on the train.

Q Where did you get off the train? A At Muskogee.

Q Muskogee? A Yes.

Q Did you go back on the train after you had been here a month?

A Yes sir.

Q Where did you get on the train when you went back to Texas?

A At Muskogee.

Tobe Stidham -4-

- Q Did you stop at Mufaula as you went back? A Yes sir.  
Q Was anybody living there that you knew? A Yes sir, my sister.  
Q Was your mother living there too? A No sir.  
Q How long did you visit your sister? A I did not stay long, about two or three days.  
Q Then you got on the train and went back to Texas? A Yes sir.

Witness excused.

John Francis, being duly sworn, testified as follows:

- Q What is your name? A My name is John Francis.  
Q What is your age? A My age is going on 54.  
Q What is your post-office address? A Mufaula.  
Q Are you a citizen of the Muskegee Nation? A Yes sir.  
Q What town do you belong to? A Hickory Ground.  
Q Do you hold any official position in that town? A I used to.  
Q What position did you hold? A Town king.  
Q Are you acquainted with Tobe Stidham, who made application today for enrollment? A Yes sir.  
Q How long have you known him? A I have known him about ten or fifteen years.  
Q Did you know him before the War? A Yes, I knew him before the war.  
Q Did he go South during the War? A Yes sir, he went South during the War.  
Q When did he come back? A About 8 or 9 years ago.  
Q Is that the first time you knew of his being back since the War? A Yes, the first time I saw him.  
Q Did you know his mother? A Yes, I know his mother.  
Q What is her name? A Eliza Stidham.  
Q Do you know whether or not Eliza Stidham was a citizen of the Creek Nation? A Yes, she was a citizen.  
Q Was she on the Dunn roll? A Yes sir.  
Q Do you know whether or not Tobe Stidham's name is on the Dunn roll? A I don't know.  
Q Anything else you know about Tobe you want to state? A I don't.

Witness excused.

You will be furnished at a later day with a copy of the decision of the Commission with reference to the application made by you at this time for enrollment as a citizen of the Creek Nation, which will be mailed to you at your post-office address, Okmulgee, Indian Territory.

I. S. Niles, being duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the testimony and proceedings in the above case and the foregoing is a true and complete transcript of his stenographic notes thereof.

Subscribed and sworn to before me this the 20<sup>th</sup> day of February, 1901  
at Muskegee, Indian Territory.

*I. S. Niles*  
\_\_\_\_\_  
Acting Chairman.



DEPARTMENT OF THE INTERIOR  
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application of Tebe Stidham for enrollment as a citizen of the Creek Nation.

DECISION.

It appears from the record in this case that on February 19, 1901, Tebe Stidham appeared before this Commission at Muskogee, Indian Territory and made application for enrollment as a citizen of the Creek Nation, claiming to be a Creek freedman and that he had returned to the Creek Nation after the Civil war within the time provided by the treaty of 1866.

It further appears that the applicant has never been recognized as a citizen by the Creek Nation by the tribal authorities thereof; that his claim of having been in the Creek Nation in the time provided by the treaty of 1866 is not sustained by the evidence.

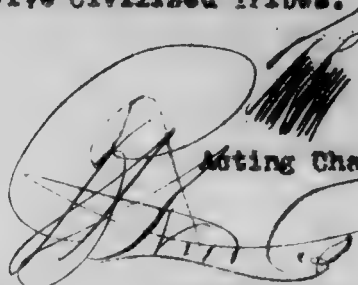
An examination of the roll of Creek freedmen made by J. W. Dunn under authority of the United States prior to March 14, 1867 and of the tribal rolls of the Creek Nation now in the possession of this Commission, has been made and the name of Tebe Stidham is not found thereon.

It is therefore the opinion of the Commission that Tebe Stidham is not a citizen of the Creek Nation and that his application for enrollment as such should be denied and it is so ordered.

The Commission to the Five Civilized Tribes.

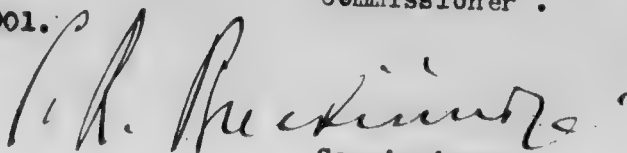
Dated at Okmulgee, Indian Territory,

This the 14th day of May, 1901.



Acting Chairman.

Commissioner.



Commissioner.

( COPY )

Muskogee, Indian Territory, January 18, 1903.

The Honorable,

The Secretary of the Interior.

Sir:

There is herewith transmitted the record of proceedings in the matter of the application of Tobe Stidham for the enrollment of himself as a citizen of the Creek Nation, including the decision of the Commission, dated May 14, 1901, denying said application.

Respectfully,

T. B. Needles.

Commissioner in charge.

1 enclosure  
Creek 88

Through the Commissioner  
of Indian Affairs.

(COPY)

Muskogee, Indian Territory, January 18, 1903.

Tobe Stidham,

Okmulgee, Indian Territory.

Dear Sir:

There is herewith enclosed a copy of the decision of the Commission to the Five Civilized Tribes in the matter of the application made by you for the enrollment of yourself as a citizen of the Creek Nation.

The decision, with a copy of the proceedings had in the case, is this day transmitted to the Secretary of the Interior for his review and decision. The final decision of the Secretary will be made known to you as soon as the Commission is informed of the same.

Yours truly,

T.B.Needles.

Commissioner in charge.

1 enclosure.  
TS-88.  
Registered.

(COPY)

Muskogee, Indian Territory, January 18, 1903.

A. P. McKellop, Esq.,

R. O. Reed, Esq.,

Attorneys for Creek Nation,

Muskogee, Indian Territory.

Gentlemen:

There is herewith enclosed a copy of the decision of the Commission to the Five Civilized Tribes in the matter of the application for the enrollment of Tobe Stidham as a citizen of the Creek Nation.

The decision, with a copy of the proceedings had in the case, is this day transmitted to the Secretary of the Interior for his review and decision. The final decision of the Secretary will be made known to you as soon as the Commission is informed of the same.

Yours truly,

T. B. Needles.

Commissioner in charge.

1 enclosure  
MAR-88  
Registered .

(COPY)

Refer in reply to the  
following:

Land.  
4549-02.

Department of the Interior,  
Office of Indian Affairs,

Washington, February 18, 1902.

The Honorable

The Secretary of the Interior.

Sir:

I have the honor to transmit herewith a report made January 18, 1902, by the Commission to the Five Civilized Tribes, forwarding the record in the proceedings in the matter of the application of Tobe Stidham for enrollment as a Creek freedman.

The Commission reports that the applicant has never been recognized as a Creek citizen by the tribal authorities of the nation, and that his name does not appear on the Dunn Roll. It is therefore of the opinion that he should not be enrolled as a Creek citizen.

The office concurs in the opinion of the Commission and respectfully recommends that same be approved.

Very respectfully,

Your obedient servant,

W. A. JONES.

Commissioner.

WCV  
D

3 inclosures.

(COPY)

12162

L.R.S.  
I.T.D.1259-1902.

F.

Commission to the Five Civilized Tribes,  
Muskogee, I.T.

Gentlemen:

The Department has considered the application of Tobe Stidham for enrollment as a Creek freedman, the subject of your letter of January 18, 1902, case No. 88.

Stidham is about fifty years of age. It appears that the applicant has never been recognized as a Creek citizen by the tribal authorities of the nation, and that he name does not appear on the Dunn roll, mentioned in the act of June 28, 1898, or upon the tribal roll of the Creek Nation in your possession. You therefore rejected the application.

February 18, 1902, the Commissioner of Indian Affairs recommended that your decision be concurred in. A copy of his letter is inclosed.

The Department finding no reason to disturb your decision it is affirmed.

Respectfully,

THOS RYAN.

Acting Secretary.  
EMD.

1 inclosure.

COMMISSIONERS

HENRY L. DAWES.  
TAMM BIXBY.  
THOMAS B. NEEDLES.  
C. R. BRECKINRIDGE.

ALLISON L. AYLESWORTH.  
SECRETARY

DEPARTMENT OF THE INTERIOR:  
COMMISSION TO THE FIVE CIVILIZED TRIBES.

(COPY)

REFER IN REPLY TO THE FOLLOWING

SEE ALSO ONLY THE  
COMMISSION TO THE FIVE CIVILIZED TRIBES

Muskogee, Ind.Ter., April 4, 1902.

Tobe Stidham,

Okmulgee, Ind.Ter.

Dear Sir:

You are hereby advised that the Secretary of the Interior, under date of February 21, 1902, affirmed the decision of the Commission, dated May 14, 1901, denying the application made by you for the enrollment of yourself as a citizen of the Creek Nation.

Yours truly,

C. R. BRECKINRIDGE.  
Commissioner in Charge.

Creek-88.

OOH.



COMMISSIONERS  
HENRY L. DAWES.  
TAMM BIXBY.  
THOMAS B. NEEDLES.  
C. R. BRECKINRIDGE.

ALLISON L. AYLESWORTH.  
SECRETARY

DEPARTMENT OF THE INTERIOR.  
COMMISSION TO THE FIVE CIVILIZED TRIBES.

REFER IN REPLY TO THE FOLLOWING

(COPY)

ADDRESS ONLY THE  
COMMISSION TO THE FIVE CIVILIZED TRIBES

Muskogee, Ind.Ter., April 4, 1902.

A. P. McKellop, Esq.,

H. G. Reed, Esq.,

. Attorneys for the Creek Nation,  
Muskogee, Indian Territory.

Gentlemen:

You are hereby advised that the Secretary of the Interior, under date of February 21, 1902, affirmed the decision of the Commission, dated May 14, 1901, denying the application of Tebe Stidham for enrollment as a citizen of the Creek Nation.

Yours truly,

C. R. BRECKINRIDGE.  
Commissioner in Charge.

Creek-88.

OOH.

CR EN 89

CR EN 89

DEPARTMENT OF THE INTERIOR,  
COMMISSION TO THE FIVE CIVILIZED TRIBES.  
Muskogee, Indian Territory, February 19, 1901.

In the matter of the application of Jennie Anderson for the enrollment of her minor children, Dora Miller and Zela Miller and William Anderson, as citizens of the Muskogee Nation; Jennie Anderson being duly sworn, testified as follows:

(By the Commission)

Q As a citizen of what Nation are you now making application for the enrollment of your three children, Dora and Zela Miller and William Anderson? A Muskogee Nation.

Q What is your name? A Jennie Anderson.

Q What is your age? A 29 years old.

Q What is your post-office address? A Fort Gibson.

Q Are you a citizen of the Muskogee Nation? A Yes, I think I am.

The records of the Commission show that Jennie Anderson is enrolled on Creek Card No.862 under the name of Jennie Miller.

Q What do you claim these children to be? A Creeks.

Q What is the name and age of the oldest? A Dora; she is five years old.

Q What is the name and age of the next one? A Zela; born the 7th day of October 1897.

Q What is the name and age of the next one? A Born the 12th of January, 1901, lived four days and died.

Q Are you the mother of these children? A Yes sir.

Q Who is the father? A Robert Miller is father of the two oldest and Amos Anderson the father of the youngest.

Q Is Robert Miller living? A No sir, he is dead.

Q Was he a citizen of the Creek Nation? A Cherokee Nation.

Q Is Amos Anderson living? A Yes sir.

Q Is he a citizen of the Creek Nation? A Cherokee Nation.

Q Has he been enrolled by the tribal authorities of the Cherokee Nation? A Yes sir.

Q Has application been made for the enrollment of these children as citizens of the Cherokee Nation? A No sir, none of them.

Q Do the names of any of these children appear upon the Cherokee rolls? A The oldest one might.

Q Is there any additional statement that you desire to make in regard to the application for enrollment of these children as citizens of the Creek Nation? A No sir.

You will be furnished at a later day with a copy of the decision of the Commission with reference to the application made by you at this time for the enrollment of your three minor children as citizens of the Creek Nation, which will be mailed to you at your proper post-office address, Fort Gibson.

I. S. Niles, being duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes, he correctly recorded the testimony and proceedings in the above case and the foregoing is a true and complete transcript of his stenographic notes thereof.

Subscribed and sworn to before me this the 20<sup>th</sup> day of February, 1901.  
at Muskogee, Indian Territory.

*I. S. Niles*  
Acting Chairman.

DEPARTMENT OF THE INTERIOR  
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application of Jennie Anderson for the enrollment of her minor children, Dora Miller, Zela Miller and William Anderson as citizens of the Creek Nation.

DECISION.

It appears from the record in this case that on February 19, 1901, Jennie Anderson appeared before this Commission at Muskogee, Indian Territory and made application for the enrollment of her three minor children, Dora Miller, Zela Miller and William Anderson as citizens of the Creek Nation. It is found upon examination of the ~~Creek~~ tribal records now in the possession of this Commission that the said Jennie Anderson was admitted to citizenship in the Creek Nation under the name of Jennie Fox on September 30, 1896 by the Creek Citizenship Commission and that application for said admission was made to said Commission on September 7, 1895.

It appears from the testimony of said Jennie Anderson that her child Dora Miller is five years old and must therefore have been born prior to the date on which said application was made to the Creek Citizenship Commission for the admission of said Jennie Anderson. The name of the said Dora Miller was not included in said application and it is not shown that she has ever been duly and lawfully adopted, enrolled or admitted to citizenship in the Creek Nation.

It also appears that the said Zela Miller was born October 7, 1897 subsequent to the admission of the mother, Jennie Anderson to citizenship in the Creek Nation and that the said child, William Anderson was born on January 12, 1901, and died four days later.

It is therefore the opinion of this Commission that the said Dora Miller has not been duly and lawfully enrolled or admitted to citizenship in the Creek Nation by the tribal authorities thereof and is not entitled to be enrolled as a citizen of the said Nation; that the said Zela Miller should be enrolled as a citizen of the Creek Nation upon proper proof that she is the daughter of the said Jennie Anderson born since the date of the admission to citizenship of her mother and that the said William Anderson having died before application herein was made is not entitled to be enrolled as a citizen of the Creek Nation, and it is so ordered.

The Commission to the Five Civilized Tribes.

Dated at Okmulgee, Indian Territory,  
this the 17th day of May, 1901.

  
Acting Chairman.

  
Commissioner.

  
Commissioner.

C O P Y .

Muskogee, Indian Territory, January 18, 1902.

The Honorable,

The Secretary of the Interior.

Sir:

There is herewith transmitted the record of proceedings in the matter of the application of Jennie Anderson for the enrollment of her minor children Dora Miller, Zela Miller and William Anderson as citizens of the Creek Nation, including the decision of the Commission, dated May 17, 1901, enrolling said Zela Miller, and denying the application in behalf of said Dora Miller and William Anderson for enrollment as citizens of the Creek Nation.

Respectfully,

T.B.Needles.

Commissioner in Charge.

1 enclosure.  
Creek-89.

Through the Commissioner  
of Indian Affairs.

C O P Y .

Muskogee, Indian Territory, January 18, 1902.

The Honorable,

The Secretary of the Interior.

Sir:

There is herewith transmitted the record of proceedings in the matter of the application of Jennie Andersen for the enrollment of her minor children Dora Miller, Iola Miller and William Andersen as citizens of the Creek Nation, including the decision of the Commission, dated May 17, 1901, enrolling said Iola Miller, and denying the application in behalf of said Dora Miller and William Andersen for enrollment as citizens of the Creek Nation.

Respectfully,

T.B.Needles.

Commissioner in Charge.

1 enclosure.  
Creek-89.

Through the Commissioner  
of Indian Affairs.

C O P Y .

Muskogee, Indian Territory, January 18, 1902.

Jennie Anderson,

Fort Gibson, Indian Territory.

Madam:

There is herewith enclosed a copy of the decision of the Commission to the Five Civilized Tribes in the matter of the application made by you for the enrollment of your three minor children, Dora and Zola Miller and William Anderson as citizens of the Creek Nation.

The decision, with a copy of the proceedings had in the case, is this day transmitted to the Secretary of the Interior for his review and decision. The final decision of the Secretary will be made known to you as soon as the Commission is informed of the same.

Yours truly,

T.B.Needles.

Commissioner in Charge.

1 enclosure  
J.A.  
Registered.



C O P Y.

Muskogee, Indian Territory, January 18, 1902.

A. P. McKelley, Esq.,

H. C. Reed, Esq.,

Attorneys for the Creek Nation,

Muskogee, Indian Territory.

Gentlemen:

There is herewith enclosed a copy of the decision of the Commission to the Five Civilized Tribes in the matter of the application made by Jennie Anderson for the enrollment of her three minor children, Dora and Zola Miller and William Anderson as citizens of the Creek Nation.

The decision, with a copy of the proceedings had in the case, is this day transmitted to the Secretary of the Interior for his review and decision. The final decision of the Secretary will be made known to you as soon as the Commission is informed of the same.

Yours truly,

T.B.Needles.

Commissioner in Charge.

1 enclosure.  
McK. & R. (27)  
Registered.

(COPY)

Refer in reply to the  
following: Land  
4549-1902.

Department of the Interior  
Office of Indian Affairs.

Washington, February 18, 1902.

The Honorable

The Secretary of the Interior.

Sir:

I have the honor to transmit herewith a report made January 18, 1902, by the Commission to the Five Civilized Tribes, forwarding the record of proceedings in the matter of the application of Jennie Anderson for the enrollment of her minor children, Dora Miller, Zela Miller and William Anderson as citizens of the Creek Nation.

The Decision of the Commission in this case is as follows:

"It appears from the record in this case that on February 19, 1901, Jennie Anderson appeared before this Commission at Muskogee, Indian Territory, and made application for the enrollment of her three minor children, Dora Miller, Zela Miller and William Anderson as citizens of the Creek Nation. It is found upon examination of the Creek tribal records now in the possession of this Commission that the said Jennie Anderson was admitted to citizenship in the Creek Nation under the name of Jennie Fox on September 30, 1896 by the Creek Citizenship Commission and that application for said admission was made to said Commission on September 7, 1896.

It appears from the testimony of said Jennie Anderson that her child Dora Miller is five years old and must therefore have been born prior to the date on which said application was made to the Creek Citizenship Commission for the admission of said Jennie Anderson. The name of the said Dora Miller was not included in said application and it is not shown that she has ever been duly and lawfully adopted, enrolled or admitted to citizenship in the Creek Nation.

It also appears that the said Zela Miller was born October 7, 1897, subsequent to the admission of the mother, Jennie Anderson, to citizenship in the Creek Nation and that the said child, William Anderson, was born on January 12, 1901, and died four days later.

It is therefore the opinion of this Commission that the said Dora Miller has not been duly and lawfully enrolled or admitted to citizenship in the Creek Nation by the tribal authorities thereof and is not entitled to be enrolled as a citizen of the said Nation; that the said Zela Miller should be enrolled as a citizen of the

Creek Nation upon proper proof that she is the daughter of the said Jennie Anderson born since the date of the admission to citizenship of her mother and that the said William Anderson having died before the application herein was made is not entitled to be enrolled as a citizen of the Creek Nation, and it is so ordered."

This office concurs in the opinion of the Commission and respectfully recommends that it be directed to take the action proposed in its decision above quoted.

Very respectfully,

Your obedient servant,

W. A. JONES.

Commissioner.

WCV  
D

3 inclosures.

(COPY)

13888

L.R.S.  
I.T.D. 1261-1902.

F.

Department of the Interior  
Washington

March 4, 1902.

Commission to the Five Civilized Tribes,  
Muskogee, I.T.

Gentlemen:

The Department has considered the application of Jennie Anderson, made February 19, 1901, for the enrollment of her minor children, Dora Miller, Zela Miller and William Anderson, as citizens of the Creek Nation.

It appears that Jennie Anderson was admitted to citizenship in the Creek Nation under the name of Jennie Fox in 1896 by the Creek Citizenship Commission, and that application for said admission was made to that commission on September 7, 1896; that her child, Dora Miller, is five years old and was, therefore, born prior to the date on which said application was made to the Creek Citizenship Commission; that the name of Dora Miller was not included in said application, and it is not shown that she has ever been duly and lawfully enrolled, adopted or admitted to citizenship in the Creek Nation. It also appears that Zela Miller was born October 7, 1897, and that William Anderson was born January 12, 1901, and died four days later.

You held that Dora Miller is not entitled to be enrolled as a citizen of said nation, and that Zela Miller should be enrolled upon proper proof that she is the daughter of Jennie Anderson, born since the date of the admission to citizenship of her mother; and

that William Anderson having died before the application herein was made, is not entitled to enrollment.

The Commissioner of Indian Affairs in his letter of February 18, 1902, concurs in your opinion and recommends that your decision be affirmed. Copy of his letter is inclosed.

Finding no reason to disturb your decision, it is approved.

Respectfully,

THOS. RYAN.

Acting Secretary.  
EMD.

1 inclosure.

COMMISSIONERS  
HENRY L. DAWES.  
TAMM BIRBY.  
THOMAS B. NEEDLES.  
C. R. BRECKINRIDGE.

ALLISON L. AYLESWORTH.  
SECRETARY

DEPARTMENT OF THE INTERIOR.  
COMMISSION TO THE FIVE CIVILIZED TRIBES.

(COPY)

REFER IN REPLY TO THE FOLLOWING

ADDRESSED ONLY TO:  
COMMISSION TO THE FIVE CIVILIZED TRIBES

Muskogee, Ind.Ter., April 2, 1902.

Jennie Anderson,

Fort Gibson, Ind.Ter.

Dear Madam:

You are hereby advised that the Secretary of the Interior, under date of March 4, 1902, affirmed the decision of the Commission, dated May 17, 1901, in the matter of your application for the enrollment of yourself, and your minor children, Dora Miller, Zela Miller and William Anderson, as citizens of the Creek Nation.

By this decision, the said Zela Miller is entitled to enrollment upon proper proof that she is your daughter, born since the date of your admission to citizenship; that Dora Miller has not been duly and lawfully enrolled or admitted to citizenship in the Creek Nation by the tribal authorities thereof, and that said William Anderson, having died before the application herein was made, is not entitled to enrollment as a citizen of the Creek Nation.

Therefore, the enrollment of said Dora Miller and said William Anderson is denied.

Yours truly,

C. R. BRECKINRIDGE.

Commissioner in Charge.

Creek-89.

OCH.

COMMISSIONERS  
HENRY L. DAWES,  
TAMM BIXBY,  
THOMAS B. NEEDLES,  
C. R. BRACKINRIDGE.

ALLISON L. AYLESWORTH,  
SECRETARY.

DEPARTMENT OF THE INTERIOR,  
COMMISSION TO THE FIVE CIVILIZED TRIBES.

REFER IN REPLY TO THE FOLLOWING

(COPY)

ADDRESS ONLY THE  
COMMISSION TO THE FIVE CIVILIZED TRIBES.

Muskogee, Ind.Ter., April 2, 1902.

A. P. McKellop, Esq.,

H. C. Reed, Esq.,

Attorneys for the Creek Nation,  
Muskogee, Indian Territory.

Gentlemen:

You are hereby advised that the Secretary of the Interior, under date of March 4, 1902, affirmed the decision of the Commission, dated May 17, 1901, in the matter of the application of Jennie Andersen for the enrollment of her minor children, Dora Miller, Zela Miller, and William Anderson, as citizens of the Creek Nation.

By this decision, the said Zela Miller is entitled to enrollment upon proper proof that she is the daughter of said Jennie Andersen, born since the date of admission to citizenship of her mother; that Dora Miller has not been duly and lawfully enrolled or admitted to citizenship in the Creek Nation by the tribal authorities thereof, and that said William Anderson, having died before the application herein was made, is not entitled to enrollment as a citizen of the Creek Nation.

Therefore, the enrollment of said Dora Miller and said William Anderson is denied.

Yours truly,

Creek-59.

CCM.

C. R. BRACKINRIDGE,  
Commissioner in Charge.



To be filed with Creek Enrollment Division; case of Jennie and Dora Miller, Creek census card, field No. 862.

DEPARTMENT OF THE INTERIOR,  
COMMISSION TO THE FIVE CIVILIZED TRIBES,  
FORT GIBSON, I.T., SEPTEMBER 13, 1901.

In the matter of the application of Jennie Anderson for the enrollment of her child, DORA MILLER, as a citizen by blood of the Cherokee Nation; said Anderson being sworn and examined by Commissioner T. B. Needles, testified as follows:

- Q What is your name? A Jennie Anderson.  
Q How old are you? A 30 years old.  
Q What is your post office? A Fort Gibson.  
Q What district do you live in? A Illinois.  
Q Who do you want to enroll, who do you apply for? A My child.  
Q What is your child's name? A Dora Miller.  
Q How old is Dora Miller? A She is five years old.  
Q Are you married? A Yes, sir.  
Q What is your husband's name? A When I first married was Miller.  
Q What was his first name? A Robert Miller.  
Q Is he living? A He is dead; I married again.  
Q What is your present husband's name? A Amos Anderson.  
Q Dora Miller the child of your first husband? A Yes, sir.  
Q Is your name on the roll of 1880? A Yes, sir, Jennie Jim.  
Q Jennie Jim was your maiden name? A Yes, sir.  
Q What was your father's name? A His name was Creek Jim Fox.  
Q He went by the name of Creek Jim? A Yes, sir.  
Q What was your mother's name? A Her name was Sarah Fox.  
Q Is she living? A Yes, sir, her name before she married was Corbrey.  
Q Is your father living? A My father is dead.

1880 Authenticated roll of Cherokee citizens examined and name of applicant found thereon, page 544, #945, Jennie Jim, Illinois district.

1896 census roll of Cherokee citizens examined and names of applicant and her child found thereon as follows:

Page 833, #1269, Jennie Miller, Illinois district.

Page 833, #1270, Dora Miller, Illinois district.

Note opposite Jennie's and Dora's names on 1896 roll: "Enrolled on Creek census card field No. 862."

- Q Your name is also on the rolls of the Creek Nation?  
A Yes, sir, Have been filed and enrolled there.  
Q You elect to take your allotment in the Creek Nation? A Yes, sir.  
Q Did you apply to the Dawes Commission to have your child Dora enrolled? A Yes, sir, and they would not take her.  
Q They would not enroll her? A No, sir.  
Q You now apply to have ~~her~~ her enrolled as a Cherokee? A Yes, sir, I had rather have her here. Will you take her in here all right?  
Q Where was Dora born? A Illinois district.  
Q Cherokee Nation? A Yes, sir.  
Q She has always lived in the Cherokee Nation? A Yes, sir; she never has been out.  
Q Do you know whether your child Dora's name appears upon any of the Creek rolls? A No, sir, I don't think she is.  
Q You never drew any Creek money for Dora? A No, sir.  
Q You drew Cherokee money? A No, sir, she wasn't born when the strip was paid out.

COM'R NEEDLES: Jennie Anderson applies for the enrollment of her child, Dora Miller. She avers that she is a child of one Creek Jim and her name appears upon the authenticated roll of 1880 as well as upon the census roll of 1896. She avers that she was originally married to one

Dora Miller

Miller, now deceased, by whom she had the child for whom she applies; that her first husband's death she has since married one Anderson. She swears, although her name appears upon the enrollment roll of 1890 and August roll of 1896 of the Cherokee Nation, that her name also appears upon the Creek rolls, and that she claimed to take her allotment in the Creek Nation, consequently does not apply for the enrollment of herself as a Cherokee. She swears that she applied to the United Commissioner at Muskogee for the enrollment of her said child. By reason of the fact that the name of the child is not found upon any of the rolls of the Creek in Nation, the Commissioner refused to enroll said child, the time for the enrollment of Creek citizens whose names do not appear upon the Creek rolls having expired. She now applies for the enrollment of said child as a Cherokee by blood. Further action as to the listing of the said Dora Miller will be suspended and said child's name will be placed upon a doubtful card awaiting further consideration of the Commission.

---ccs000csp---

J. D. Reason, being duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the testimony and proceedings in this case, and that the foregoing is a true and complete transcript of his stenographic notes thereof.

J. D. Reason

Subscribed and sworn to before me this September 13th, 1901.

M. D. Green

MD

Commissioner.

COMMISSIONERS

HENRY L. DAWES,  
TAMM BIXBY,  
THOMAS B. NEEDLES,  
C. R. BRECKINRIDGE

ALLISON L. AYLESWORTH,  
SECRETARY

DEPARTMENT OF THE INTERIOR,

COMMISSION TO THE FIVE CIVILIZED TRIBES.

RECEIVED ONLY THE  
COMMISSION TO THE FIVE CIVILIZED TRIBES

Muskogee, Indian Territory, FEB 1 1902, 1902.

Received on this date from the Commission to the Five Civilized Tribes a copy of the record of proceedings in the matter of the application of Jennie Anderson for the enrollment of her children, Dora Miller, Zela Miller and William Anderson, as citizens of the Creek Nation.

A. P. M. Keecop

Attorney for Creek Nation.

Creek No. 89.

RESIDENCE:

POST-OFFICE: *H. Gibson L.P.*

Nation.

Roll.

CARD NO. *1*FIELD NO. *862*

DAWES' ROLL No.	NAME.	Relation-ship to person first named.	AGE.	SEX.	BLOOD.	TRIBAL ENROLLMENT.		TRIBAL ENROLLMENT OF PARENTS.			
						Year.	No.	Name of Father.	Year.	Name of Mother.	Year.
1	<i>Fox Sarah</i>		<i>56</i>	<i>F</i>	<i>1/4</i>			<i>Early Cordry</i>	<i>1812</i>	<i>Cherokee</i>	<i>1812</i>
2	<i>Cordry Frank 73</i>	<i>Son</i>	<i>35</i>	<i>M.</i>	<i>1/8</i>			<i>Frank McElroy</i>	<i>"</i>	<i>Non-Ind.</i>	<i>No 1</i>
3	<i>Miller Jennie</i>	<i>Daughter</i>	<i>26</i>	<i>F</i>	<i>1/2</i>			<i>Trig Jim Fox</i>	<i>"</i>	<i>Cherokee Nat.</i>	<i>No 1</i>
4	<i>Fox Eliza</i>	<i>"</i>	<i>25</i>	<i>"</i>	<i>1/2</i>			<i>" " "</i>	<i>"</i>	<i>"</i>	<i>No 1</i>
5	<i>Miller Ella</i>	<i>Daughter</i>	<i>3</i>	<i>"</i>	<i>"</i>			<i>Early Cordry</i>	<i>1812</i>	<i>"</i>	<i>No 1</i>
6	<i>" Donga</i>	<i>"</i>	<i>6</i>	<i>"</i>	<i>1/4</i>			<i>" " "</i>	<i>"</i>	<i>"</i>	<i>No 3</i>
7	This card has been replaced in the Card File by a card bearing a similar Field Number and corrected in conformity to the information hereon.							<i>No 6 denied - see Enrollment case 89 - Affirmed March 4, 1902</i>			
8								<i>No 6 on Cherokee approved roll No. 26866</i>			
9								These four persons admitted by Colbert Citizenship Commission Sept. 30 1896 See record No 2 Small Book page 14012 - Jennie Miller admitted as Jennie Fox - Eliza Fox named in record as Ella Fox.			
10											
11								See testimony Enrollment Case, No. 71			
12								See testimony Enrollment Case, No. 2008, 1/12/99			
13								No. 5 - Proof of birth to be supplied -			
14											
15											
16											
17											
18								No. 6 Doubtful card Cherokee Nation, See testimony			

No 6. Has been enrolled as a Cherokee

CR EN 90

CR EN 90

DEPARTMENT OF THE INTERIOR  
COMMISSION TO THE FIVE CIVILIZED TRIBES.  
MUSKOGEE, INDIAN TERRITORY, FEBRUARY 28th, 1901.

In the matter of the application of Samuel Deere for the enrollment of himself as a citizen of the Creek Nation.

SAMUEL DEERE, being duly sworn, testified as follows:

XXXXX ~~XXXXXXXXXXXX~~ P P P P P P P

- Q As a citizen of what Nation are you an applicant for enrollment? A Creek Nation.
- Q What is your name? A Samuel Deere.
- Q What is your age? A About 25.
- Q What is your post office address? A At present it is Shawnee, Oklahoma Territory.
- Q Have you ever been recognized by the tribal authorities of the Creek Nation as a citizen of the Creek Nation? A I believe I have, I received a little money.
- Q Have you ever been enrolled by the Creek tribal authorities as a citizen of the Creek Nation? A I understood that I had been.
- Q Does your name appear upon the tribal rolls of the Creek Nation? A I think it does.
- Q Where do you live? A I am living about five miles from Shawnee, or rather staying there.
- Q Where is Shawnee? A The city of Shawnee, is in Oklahoma.
- Q Do you make your residence there? A Yes sir, I have lived in that country.
- Q How long have you lived there? A Well, I was raised there.
- Q What is the name of your father? A Robert Deere.
- Q Is he living? A No sir, he is dead.
- Q Is his name on any of the rolls of the Creek Nation? A I think it has been.
- Q How long has he been dead? A He died about two years ago.

1890 Authenticated roll of the Creek Nation examined and the name of Bob Deere found thereon at page 142.  
1895 Authenticated roll of the Creek Nation, Little River, Tulsa Town examined and the name of Bob Deere found thereon at number 247.

- Q What is the name of your mother? A Anna Deere
- Q Is she living? A No sir, died good many years.
- Q Is her name on any of the rolls of the Creek Nation? A No sir.
- Q Was she a citizen of any other Indian tribe? A Yes sir.
- Q What blood? A Shawnee.
- Q Does your name appear on the 1890 Authenticated roll of the Creek Nation? A I am under the impression it is.

1890 Authenticated roll of the Creek Nation examined and the name of Sam Deere found thereon at page 142.

- Q Does your name appear on the 1895 Authenticated roll of the Creek Nation? A I don't know.
- Q Did you receive the \$14.40? A No sir, it was'nt paid directly to me, my father drew it.
- Q How do you know your father drew it? A Well, he was down here for that purpose, at least he came down with that intention.

#2. Samuel Deere.

- Q Did you see him receive the money? A No sir.  
Q You are not positive he ever drew the money? A Of course I wouldn't be sure, he was down here with that intention.  
Q What proportion of Creek blood do you claim to have?  
A My father is a Creek.  
Q Is he a full blood? A I think so.  
Q Are you married? A No sir.  
Q Have you any children under 18 years of age, and unmarried for whom you now desire to make application? A No sir.  
Q Are you a citizen of any other of the Five Civilized Tribes in the Indian Territory, besides the Creek Nation? A No sir.  
Q Is there any additional statement that you desire to make at this time in regard to your application? A I think not.

You will be furnished at a later date with a copy of the decision of the Commission with reference to the application made by you at this time for enrollment as a citizen of the Creek Nation, which will be mailed to you at your present post office address at Shawnee, Oklahoma Territory.

Lona Cummings having been first duly sworn, upon her oath, states that as stenographer to the Commission to the Five Civilized Tribes, she reported in full all proceedings had in the above entitled cause on the 28th day of February, A.D., 1901, and that the above and foregoing is a full, true and correct transcript of her stenographic notes, of said proceedings on said date.

Lona Cummings

Subscribed and sworn to before me at Muskogee, Indian Territory, this 28 day of February, A.D., 1901.

  
Acting Chairman.



Department of the Interior,  
Commission to the Five Civilized Tribes,  
Okmulgee, Indian Territory, May 18, 1901.

In the matter of the application of Samuel Deer for  
enrollment as a citizen of the Creek Nation.

Robert W. Stewart being duly sworn by the Commission,  
testified as follows:

Examination by the Commission.

- Q What is your name? A Robert W. Stewart.  
Q What is your age? A 33.  
Q What is your post-office address? A Haldenville.  
Q Are you a citizen of the Creek Nation? A Yes sir.  
Q Do you hold any official position in the Creek Nation?  
A Yes sir.  
Q State what it is please. A Member of the lower house of  
Council.  
Q Do you know Samuel Deer and Ames Deer? A Yes sir.  
Q Do you know whether or not they are recognized citizens of  
the Creek Nation? A They used to be.  
Q When was that? A Up I believe until about '98.  
Q Was any action taken by the Creek Nation at that time with  
reference to their citizenship that you know of? A They were  
placed before the Citizenship Commission but they never acted on it  
I believe.  
Q Do you know whether or not they are recognized citizens of  
any other Nation or Tribe of Indians? A They reside in the  
Shawnee country and have taken their allotments. I suppose they are  
recognized. They have taken allotments in Shawnee country.  
Q Do you know how they came to be recognized as Shawnees?  
A Because they resided there I suppose at the time the Shaw-  
nees taken their allotments. Lived there all their lives.  
Q What was their father's name? A Robert Deer.  
Q Was he a recognized citizen of any Indian Tribe? A A Creek  
Indian.  
Q Is he living? A No sir, dead.  
Q Do you know when he died? A He died about two years ago.  
Q Did he take an allotment in the Shawnee country? A Yes sir.  
Q Do you know who the mother of Sam and Ames Deer was? A  
No sir.  
Q The names of Sam Deer and Ames Deer are found upon the  
1890 authenticated Creek roll. Do you know of any action taken by  
the Council or by any citizenship committee or commission of the  
Creek Council subsequent to 1890 towards taking their names off  
the Creek rolls? A None. No sir.

Examination by Mr. McKelley, Attorney for the Creek Nation

- Q Mr. Stewart were you a member of the Council in 1898 when  
the census was taken for the purpose of making the per capita  
payment of 1898? A Yes sir.  
Q Which house? A House of Kings.  
Q When you took the census of your town as Town King? A Yes  
sir.  
Q Did you enroll these two parties, Sam and Ames Deer? A No  
sir. We erased them.  
Q You erased them? A Yes sir.

Robert W. Stewart 2

Q You found them on the roll when you came to make a new roll and you erased them? A Yes sir, they were on the roll when I came into office and I erased them.

Q Will you state why you erased them? A I erased them because I found out they had taken allotments in the Shawnee country.

Examination by the Commission.

Q Was your action in erasing their names from the roll ever approved or passed on by the Council? A No sir.

Q Did Sam and Amos Deer and their father, Bob Deer receive any money in the 1890 per capita payment? A Yes sir, all three of them.

Q Go on and state everything you know about that now? A They always did participate in the per capita payments and Bob Deer - Waddy Palmer was then auditor - Bob Deer came to us and wanted us to go down to Eufaula and see the Chief with him. We went and took the old man down there and Reley McIntosh was then Acting Chief and Bob Deer turned in script - national script to McIntosh and claimed that he was returning that money that he and his two boys had taken allotment in the Shawnee country and that they wanted to relinquish their citizenship here and remain as citizens of the Shawnee country so that they could hold their lands up there and he turned in money - that is he turned in this national script. He borrowed it from J. M. Perryman and Waddy Palmer and turned it in to the Acting second Chief Reley McIntosh and Reley McIntosh gave him a written agreement or you might call it a relinquishment - whether it ~~amounted~~ amounted to anything or not I don't know. He gave him a written agreement relinquishing his title here in the Creek Nation. That is, his citizenship here.

Q Bob Deer gave to Reley McIntosh a paper - A No Reley McIntosh gave it to Bob Deer showing that he was erased from the roll of the Creek Nation and was considered no more citizen of the Creek Nation.

Q That was for the purpose of enabling Bob Deer to hold the allotments in the Shawnee Country? A Yes sir, they were going to contest him up there and he done that as self protection.

Q Were Sam and Amos deer miners at that time? A No sir Amos was but Sam was not.

Q Do you know in what year it was that they returned that money to the Creek Nation? A I think it was in about 1895 or 1896.

Q Was that the money that had been drawn in the 1890 payment or 1895 payment? A I don't know what payment. He didn't mention it at all? He turned \$27.00 is all he turned over to McIntosh.

John A. Jacobs being first duly sworn testified as follows: Examination by the Commission.

Q What is your name? A John A. Jacobs.

Q What is your age? A 29 years.

Q What is your post-office address? A Hildenville.

Q Are you a citizen of the Creek Nation? A Yes sir.

Q Do you hold any official position in the Creek Nation? A Yes sir.

Q What position do you hold? A Member of the upper house.

Q Do you know Samuel and Amos Deer sons of Bob Deer? A Yes sir.

Q Do you know whether or not they are recognized as citizens of the Creek Nation? A I don't know anything about that.

Q Do you know whether or not they have taken and now hold allotments in the Shawnee country, Oklahoma? A Yes sir.

Q Do you know about what year these allotments were made to them? A No I don't but it was somewhere in 1890 I believe or 1889 I have forgotten which.

3---

Q Have you ever heard that they relinquished these allotments in the Shawnee country? A No sir.

Q Do you know of your own knowledge whether or not they still held them? A They still held them. I think they did try to relinquish their allotments but they weren't accepted and they had to keep them.

Q What town do you belong to? A Tuckabatchee.

Q What town in the Creek Nation do Sam and Amos Deer claim to belong to? A Little River Tulsa.

Q Do you know whether or not they are now recognized by the tribal authorities of the Creek Nation as citizens of the Creek Nation? A No sir, I don't.

John Geat being duly sworn testified as follows:  
Examination conducted through John A. Jacobs, sworn Interpreter. Examination by the Commission.

Q What is your name? A John Geat.

Q What is your age? A Don't know exactly but about 57 or 58.

Q Are you a citizen of the Creek Nation? A Yes sir.

Q What town do you belong to? A Little River Tulsa.

Q Do you hold any official position in the Creek nation? A Yes sir.

Q What position do you hold? A Member of the upper house. House of Kings.

Q Do you know Sam and Amos Deer, sons of Bob Deer? A Yes sir.

Q Are they recognized citizens of the Creek Nation at the present time? A I don't think they are.

Q Are they recognized citizens of any other Indian Tribe? A They are recognized as members of the Absentee Shawnees and live there.

Q Who was their mother if you know. A Don't know.

Q Do you know whether she was a Creek or a Shawnee? A I heard that she was Shawnee.

Q Do you know ~~Samuel~~ how Samuel and Amos Deer came to be recognized in the Shawnee country and get allotment of lands there?

Q Their father was there and attended to that and by that I think their father had them enrolled as citizens of the Absentee Shawnees.

Examination by Mr. McKelley, attorney for Creek Nation.

Q Who represents your town in the House of Warriors? A Robert Stewart, Robert W. Stewart.

-----  
Myra Young having been first duly sworn upon her oath states that as stenographer to the Commission to the Five Civilized Tribes she reported in full all proceedings had in the above entitled cause on the 18th day of May, 1901, and that the above and foregoing is a full, true and correct transcript of her stenographic notes of said proceedings on said date.

*Myra Young*

Subscribed and sworn to before me this 18th day of May, 1901, at Okmulgee, Indian Territory.

  
Acting Chairman.

DEPARTMENT OF THE INTERIOR  
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application of Samuel Deer for enrollment as a citizen of the Creek Nation.

D E C I S I O N .

It appears from the record in this case that on February 28, 1901, Samuel Deer appeared before this Commission at Muskogee, Indian Territory, and made application for enrollment as a citizen of the Creek Nation.

It also appears that the said Samuel Deer had at one time been recognized as a citizen of the Creek Nation by the tribal authorities thereof but that he was also recognized as a member of the Absent Shawnee Tribe of Indians and as such received an allotment of land in the Shawnee Reservation, which he still holds.

It further appears that subsequent to receiving said allotment in the Shawnee country, Bob Deer, the father of the said Samuel Deer for the purpose of retaining the allotments made to himself and family in the Shawnee Reservation, relinquished on behalf of himself and his children, Samuel Deer and Amos Deer, all claims to citizenship in the Creek Nation.

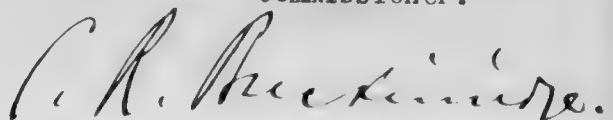
It is therefore the opinion of this Commission that the application of the said Samuel Deer for enrollment as a citizen of the Creek Nation should be denied and it is so ordered.

The Commission to the Five Civilized Tribes.

Dated at Okmulgee, Indian Territory,  
this the 18th day of May, 1901.

  
Acting Chairman.

Commissioner.

  
C. R. Buckner.

Commissioner.

(COPY)

Muskogee, Indian Territory, January 18, 1902.

The Honorable,

The Secretary of the Interior.

Sir:

There is herewith transmitted the record of proceedings in the matter of the application of Samuel Deer for the enrollment of himself as a citizen of the Creek Nation, including the decision of the Commission, dated May 18, 1902, denying said application.

Respectfully,

T. B. Needles.  
Commissioner in charge.

1 enclosure  
Creek 90.

Through the Commissioner  
of Indian Affairs.

(COPY)

Muskogee, Indian Territory, January 18, 1902.

Samuel Deer,

Shawnee, Okla.

Dear Sir:

There is herewith enclosed a copy of the decision of the Commission to the Five Civilized Tribes in the matter of the application made by you for the enrollment of yourself as a citizen of the Creek Nation.

The decision, with a copy of the proceedings had in the case, is this day transmitted to the Secretary of the Interior for his review and decision. The final decision of the Secretary will be made known to you as soon as the Commission is informed of the same.

Yours truly,

T. B. Needles.

Commissioner in charge.

1 enclosure  
SD-80.  
Registered.

(COPY)

Muskogee, Indian Territory, January 18, 1902.

A. P. McKellop, Esq.,

H. G. Reed, Esq.,

Attorneys for Creek Nation,

Muskogee, Indian Territory.

Gentlemen:

There is herewith enclosed a copy of the decision of the Commission to the Five Civilized Tribes in the matter of the application for the enrollment of Samuel Deer as a citizen of the Creek Nation.

The decision, with a copy of the proceedings had in the case, is this day transmitted to the Secretary of the Interior for his review and decision. The final decision of the Secretary will be made known to you as soon as the Commission is informed of the same.

Yours truly,

T.B. Needles.

Commissioner in charge.

1 enclosure  
MAR-90.  
Registered.



(COPY)

Refer in reply to the following:  
Land 4549-1902.

Department of the Interior,  
Office of Indian Affairs.  
Washington, February 28, 1902.

The Honorable,  
The Secretary of the Interior.

Sir:

I have the honor to transmit herewith a report made January 18, 1902, by the Commission to the Five Civilized Tribes, forwarding the record of proceedings in the matter of the application of Samuel Deer for the enrollment of himself as a citizen of the Creek Nation.

The Commission reports that the applicant had at one time been recognized as a citizen of the Creek Nation; that he was also recognized as a member of the Absentee Shawnee Tribe and as such received an allotment of land in the Shawnee reservation, which he still holds. The Commission is of the opinion that the applicant should not be enrolled.

The records in this office show that Samuel Deer, No. 294 on the Absentee Shawnee Roll, received an allotment of land as such Shawnee and that patent was issued to him for said land February 6, 1892. It is the opinion of this office that the Commission's action should be approved.

Very respectfully,  
Your obedient servant,

W. A. JONES.

Commissioner.

WCV  
D

3 inclosures.

L.R.S.  
I.T.D.1423-1902.

(COPY)

14754.

Department of the Interior.

Washington.

R

March 8, 1902.

Commission to the Five Civilized Tribes,  
Muskogee, I. T.

Gentlemen:

On January 18, 1902, you forwarded to the Department the papers in the matter of the application of Samuel Deer for enrollment as a citizen of the Creek Nation, Case No.90. You rejected said application on May 18, 1901.

It appears that the applicant was at one time recognized as a citizen of the Creek Nation; that he was also recognized as a member of the Absentee Shawnee Tribe and as such received an allotment of land in the Shawnee reservation, which he still holds.

The Commissioner of Indian Affairs forwarded your report on February 28, 1902, stating that the records of his office show that Samuel Deer, No. 294 on the Absentee Shawnee Roll, received an allotment of land as such Shawnee and that a patent was issued to him for said land February 6, 1892, and he recommends that your decision be affirmed.

The Department concurs in said recommendation and your decision in rejecting said application is accordingly affirmed.

A copy of the Commissioner's letter is inclosed.

Respectfully,

Thos. Ryan.

Acting Secretary.

1 inclosure.

COMMISSIONERS  
HENRY L. DAWES.  
TAMM BIXBY.  
THOMAS B. NEEDLES.  
C. R. BRECKINRIDGE

ALLISON L. AYLESWORTH.  
SECRETARY.

DEPARTMENT OF THE INTERIOR.  
COMMISSION TO THE FIVE CIVILIZED TRIBES.

REFER IN REPLY TO THE FOLLOWING

(COPY)

ADDRESS ONLY THE  
COMMISSION TO THE FIVE CIVILIZED TRIBES

Muskogee, Ind. Ter., March 31, 1902.

Samuel Deer,

Shawnee, Okla. Ter.

Dear Sir:

You are hereby advised that the Secretary of the Interior, under date of March 8, 1902, affirmed the decision of the Commission, dated May 18, 1901, denying the application made by you for the enrollment of yourself as a citizen of the Creek Nation.

Yours truly,

Creek-90.

TAMM BIXBY.  
Acting Chairman.

OCH.

COMMISSIONERS  
HENRY L. DAWES.  
TAMM BIXBY.  
THOMAS B. NEEDLES.  
C. R. BRECKINRIDGE.

ALLISON L. AYLESWORTH.  
SECRETARY.

DEPARTMENT OF THE INTERIOR.  
COMMISSION TO THE FIVE CIVILIZED TRIBES.

REFER IN REPLY TO THE FOLLOWING

(COPY)

ADDRESS ONLY THE  
COMMISSION TO THE FIVE CIVILIZED TRIBES

Muskogee, Ind.Ter., March 31, 1902.

A. P. McKelley, Esq.,

H. C. Reed, Esq.,

Attorneys for the Creek Nation,

Muskogee, Indian Territory.

Gentlemen:

You are hereby advised that the Secretary of the Interior, under date of March 8, 1902, affirmed the decision of the Commission, dated May 18, 1901, denying the application made by Samuel Deer for the enrollment of himself as a citizen of the Creek Nation.

Yours truly,

TAMM BIXBY.  
Acting Chairman.

Creek-90.

OCH.

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CR EN 91

DEPARTMENT OF THE INTERIOR  
COMMISSION TO THE FIVE CIVILIZED TRIBES.  
MUSKOGEE, IND. TERR. FEBRUARY 25th, 1901.

In the matter of the application of Eliza Drew for the enrollment of her minor children, Charley, Sam, Jessie, Fred, Savanna and Odessa Drew, as citizens of the Creek Nation.

ELIZA DREW, being duly sworn testified as follows:

(Examination by the Commission)

- Q As a citizen of what Nation are you making application for the enrollment of your minor children? A Creek Nation.
- Q What is your name? A Eliza Drew.
- Q What is your age? A 43.
- Q What is your post office address? A Muskogee.
- Q Have these children for whom you now make application ever been recognized by the tribal authorities of the Creek Nation as citizens of the Creek Nation? A Yes sir.
- Q Have they ever been enrolled by the Creek tribal authorities as citizens of the Creek Nation? A Yes sir.
- Q Do their names appear upon the tribal rolls of the Creek Nation? A Yes sir.
- Q Where do these children live? A They live over here across the Arkansas River.
- Q Who do they live with? A Live with me.
- Q How long have you and these children lived at that place? A Fourteen years as well as I remember.
- Q What is the name of the father of these children? A Sam Drew.
- Q He is the father of all of them? A Yes sir.
- Q Is he living? A No sir, he is dead.
- Q Is his name on any of the rolls of the Creek Nation? A Yes sir he is on the rolls.
- Q How did he become a citizen of the Creek Nation? A Adopted by the Creek Council.

Laws of the Muskogee Nation as compiled and codified by A.P. McKellop under the Act of October 15, 1892 examined and the name of Samuel Drew found to have been admitted to citizenship by the Creek Council.

- Q What town in the Creek Nation do these children belong to? A Arkansas Town.
- Q Please state the names and ages of these children for whom you now make application for enrollment? A Charley 17, Sammie is 14, Jessie is 12, Fred is 10, Savanna 8 and Odessa she is 5.
- Q How long have they lived in the Indian Territory? A In the Creek Nation?
- Q Yes sir? A For about 16 years.
- Q How long have they lived in the Territory? A All their lives.
- Q Have they been outside the Territory in the last three years? A No sir.
- Q Do their names appear on the 1890 Authenticated roll of the Creek Nation? A Yes sir.
- Q Did he draw the \$29? A The father, yes sir.
- Q For himself? A For himself and four of the boys.

1890 Authenticated roll of the Creek Nation examined and the names of the applicants not found thereon.

#2. Eliza Drew.

Q Do their names appear on the 1895 Authenticated roll of the Creek Nation? A Yes sir.

1895 Authenticated roll of the Creek Nation examined and the names of the applicants found thereon at numbers, 1265, 1266, 1268, 1269 and 1271.

- Q When were you married to Sam Drew? A I don't know.  
Q Do you know what year it was? A No sir, I don't know.  
Q Under what law were you married? A Under the Arkansas Law.  
Q Have you your marriage license and certificate which you now desire to present in evidence at this time to this Commission?  
A No sir, I hav'nt got them, the man that married us didn't have any license.  
Q Were you married by a minister? A Yes sir.  
Q Where were you living at the time of your marriage? A Right over here where we are living now.  
Q Are you the mother of these children for whom you now make application for enrollment? A Yes sir, I am if I wasn't I wouldn't be doing this.  
Q Are you a citizen of the Creek Nation? A No sir.  
Q Of what Nation are you a citizen? A Cherokee.  
Q Does your name appear on the Cherokee rolls? A Yes sir, 1880 roll.  
Q Are all these children now living at home with you? A Yes sir they all live with me.  
Q Are your children enrolled in the Cherokee Nation? A You might find four of them on the roll.  
Q Did you draw money for them in the Cherokee Nation? A Yes sir.  
Q What money did you draw for them? A I drew the---- this last money \$15. The \$29 and \$14 here in the Creek Nation.  
Q For which of these children did you draw money in the Cherokee Nation? A Drew for Charley, Sammie, Fred and Jessie.  
Q Is there any additional statement that you desire to make at this time in regard to your application? A I don't----- I don't understand, I reckon not.  
Q Who is Johnny Drew? A Jessie is his main name, Jessie is the name I changed when he was a baby, I didn't like the name of John and changed it to Jessie.

The names of Johnny Drew and Samuel Drew appears on the 1890 roll at page 20.

- Q If it should be found that these children for whom you now make application have been recognized by the tribal authorities of both the Creek and Cherokee Nations, as citizens of which Nation do you now elect to have them enrolled and receive allotment of lands and distribution of moneys? A IN the Creek Nation, cause I have got my home in the Creek Nation and want them to take in the Creek Nation.  
Q Are you aware that the Act of June 28th, 1898, commonly known as the Curtis Bill, contains the following provisions:  
"The several tribes, may by agreement determine the rights of persons, who for any reason may claim citizenship in two or more tribes, and to allotments of lands and distribution of moneys belonging to each tribe, but if no such agreement be made, then such claimant shall be entitled to such rights in one tribe only, and may elect in which tribe he will take such right?"  
A No sir.



43. Eliza Drew.

- Q Does the name of Sam Drew, the father of these applicants appear upon the Dunn Roll? A No sir, I don't think it does.  
Q When was he admitted by Council? A I don't know sir.

\*\*\*\*\*

CUFFY McINTOSH, being duly sworn testified as follows:

Examination by the Commission.

- Q What is your name? A Cuffy McIntosh.  
Q Are you a citizen of the Muskogee Nation? A Yes sir.  
Q Have you ever been enrolled by the Commission to the Five Civilized Tribes and received your allotment of land? A Yes sir.  
Q Are you acquainted with Sam Drew, the father of the applicants in this case? A Yes sir.  
Q Is he a citizen of the Creek Nation? A Yes sir.  
Q What town does he belong to? A Arkansas.  
Q Is his name on the Dunn Roll? A I think not.  
Q How did he become a citizen? A I think by adoption, adopted by Council.  
Q In what year was he adopted? A Can't remember the year.  
Q Were you a member of Council at the time he was adopted? A No sir.  
(By Mr. McKellop, Attorney for the Creek Nation)  
Q Do you know that Sam Drew who was adopted by the Council is the same Sam Drew as the father of the applicants here, Charley, Sam, Jessie, Fred, Savanna and Odessa Drew? A Yes sir.  
(By the Commission)

You will be furnished at a later date with a copy of the decision of the Commission with reference to the application made by you at this time for the enrollment of your minor children, as citizens of the Creek Nation, which will be mailed to you at your present post office address at Muskogee, Indian Territory.

Lena Cummings having been first duly sworn, upon her oath, states that as stenographer to the Commission to the Five Civilized Tribes, she reported in full, all proceedings had in the above entitled cause on the 25th day of February, A.D., 1901, and that the above and foregoing is a full, true and correct transcript of her stenographic notes, of said proceedings on said date.

*Lena Cummings*

Subscribed and sworn to before me at Muskogee, Indian Territory, this 28 day of February, A.D., 1901.

  
Acting Chairman.

For Creek Files.

Department of the Interior,  
Commission to the Five Civilized Tribes,  
Fort Gibson, I.T., April 24, 1901.

In the matter of the application of Louisa Drew for the enrollment of herself and seven children as Cherokee Freedmen.

Louisa Drew, being duly sworn and examined by Commissioner Needles, testified as follows:

- Q What is your name? A Louisa Keys is my name.
- Q What is your age? A I guess I am something about 43 or 44.
- Q What is your postoffice address? A Muskogee.
- Q What district do you live in? A I am living in the Creek Nation now, but this is my district, Illinois.
- Q Do you apply to be enrolled as a Cherokee Freedman? A Yes sir.
- Q Have you ever been recognized by the Cherokee authorities as a Cherokee Freedman? A Yes, sir.
- Q Is your name on the rolls of the Cherokee Nation? A Yes, sir, on the 1880 roll.
- Q Who do you want to enroll besides yourself? A I want to enroll nine children; there is my daughter, she will enroll for herself.
- Q Give me the names of your children under 21 years of age?
- A Charlie, he is 18.
- Q What is the next one? A Samuel.
- Q How old is Samuel? A 14.
- Q The next one? A Jesse, he is 13.
- Q Is that a boy or a girl? A He is a boy.
- Q What is the next one? A Freddie.
- Q How old is he? A 10.
- Q The next one? A Savannah.
- Q How old is Savannah? A He is 8.
- Q What is the next one? A Odessa.
- Q How old is she? A 6.
- Q What is the next one? A DeWitt.
- Q How old is DeWitt? A He is 3.
- Q What is the next one? A I have a son, he is of age, he is at Fort Leavenworth, I will have to do his business for him.
- Q What is your father's name? A Eli Keys.
- Q Are you married? A No, sir, my husband is dead.
- Q What was your husband's name? A His name was Sam Drew.
- Q Then is your name Drew? A Well I follow up my mother's name, she was Keys, so they will always know who I am.
- Q You will have to follow your husband's name. A He is a Drew and belongs to the Creek Nation and I belong to the Cherokee Nation.
- Q The children's father is named Drew? A Yes, sir, his name is Drew, but I am putting them as Keys.
- Q Well I am enrolling them as Drew. What is your husband's name?
- A His name was Sam.
- Q Is he living? A No, sir, he is dead.
- The 1880 authenticated roll of Cherokee Freedmen examined, and the applicant, Louisa Drew, identified thereon, page 848, No. 992, Illinois district, as Louisa Keys.
- The 1896 census roll of Cherokee Freedmen examined and the applicants not identified thereon.
- Q Didn't you enroll in 1896? A Yes, sir, I have been enrolling here every time there was an enrollment here.
- Q Did you ever go by any other name besides Keys or Drew? A No, sir, I went by Keys all the time.
- Q Did you draw your strip money? A Yes, sir, I drew that.
- The Kern-Clifton roll examined, and the applicants identified thereon as follows:
- Louisa Drew on page 58, No. 1425, Illinois district, as Louisa Keys;
- Charlie Drew on page 59, No. 1426, Illinois district, as

Samuel Drew on page 59, No. 1488, Illinois district, as Sam Keys:

Jesse Drew on page 59, No. 1489, Illinois district, as Jesse Keys:

Freddie Drew on page 59, No. 1489, Illinois district, as Frank Keys:

A Savannah isn't on there, because she wasn't a year old when we enrolled for that strip money.

Q You enrolled for the strip money only? A Yes, sir, I enrolled her here this last time I enrolled right here, and that Odessa wasn't a year old and they wasn't enrolling any babies under a year old.

Q That is the only time you have been enrolled? A No, sir, I have been enrolled ever since there has been an enrollment here.

Q These children all living here now? A Yes, sir, all nine of them I called are living.

Q Where do you live? A I live over here close to Muskogee in the Creek Nation.

Q In the Creek Nation? A Yes, sir, where my husband is at.

Q How long have you been there? A I can't tell you how long I have lived there.

Q These children born over there? A The youngest ones was born there.

Q Then you have been living over there about ten years or more?

A I don't know, sir, if I have been living more than that.

Q Were you married over there? A Yes, sir.

Q Married in the Creek Nation? A Yes, sir.

Q Then you have always lived in the Creek Nation since you were married? A Yes, sir.

Q Then you must have lived there over 30 years because you have got a child 30 years old. A That man isn't the father of this oldest one.

Q Who is the father of Charles Drew? A His name is Stephens; his father is dead.

Q Then that child's name isn't Drew? A Well I put them all down as Keys with me, and we all have one name.

Q Was Sam Drew the father of Samuel here? A Them five there.

Q Sam Drew was the father of five, you say? A Yes, sir.

Q Was Sam Drew the father of Jesse? A Yes, sir.

Q He isn't the father of Samuel? A Yes, sir, Samuel's father.

Q Well, then he must be the father of six of them; is Sam Drew the father of Charles? A No, sir, he isn't Charles' father.

Q Is he Samuel's father? A Yes, sir.

Q And Jesse and Frederick and Savannah and DeWitt? A Yes sir.

Q Are you and Sam Drew living together now? A He is dead.

Q But since his death you have had DeWitt? A Yes, sir.

Q What is his name now, DeWitt Keys? A His name is DeWitt Bailey, but they call him Keys by me.

Q You say these children are all living at this time? A Yes sir.

Q Have you always lived in the Cherokee Nation except what time you have lived in the Cherokee Nation? A Yes, sir, I am always living in the Cherokee Nation.

Q I understand you haven't lived in the Cherokee Nation for the last twenty years? A Yes, sir, I expect it has been that long.

Q All these children were born in the Creek Nation? A No sir, all wasn't born in the Creek Nation.

Q Well, where was Charles born? A Born right below here between the rivers.

Q In the Cherokee Nation? A Yes, sir.

Q Were you living with Sam Drew then? A No, sir.

Q Where was Samuel born? A He was born over there between the rivers, he is his daddy, but I wasn't living with him.

- Q Where was Jesse born? A Over on the other side.  
Q Jesse was born in the Creek Nation? A Yes, sir.  
Q And you have been living in the Creek Nation ever since?  
A Yes, sir.  
Q And Jesse is 18 years of age? A Yes, sir.

Commissioner Reddick: The name of Louisa Brew is found upon the authenticated roll of 1880 by her maiden name of Louisa Keys. She avers that she has since been married to one Sam Brew, now deceased. She avers that she had before marriage to Sam Brew one child named Charles, 18 years old, whom she calls Charles Keys, and one child named Samuel, whom she calls Samuel Keys, and that she had besides Jesse Brew, Frederick Brew, Savannah Brew, Odessa Brew, and Dewitt Brew. All of said children are living at this time. She is duly identified and makes satisfactory proof as to residence, consequently Louisa Brew, nee Keys, and her children, Charles, Keys, Samuel Keys, Jesse Brew, Fred, Savannah, Odessa, and Dewitt, will be listed for enrollment as Cherokee Freedmen.

L. B. Bell, attorney for Cherokee Nation: The Cherokee Cherokee Nation will move in this case to contest it on the ground of having forfeited her residence by having lived in the Creek Nation.

\*\*\*\*\*

Bruce C. Jones, being duly sworn, says that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the proceedings and testimony in the above case, and the foregoing is a true and complete transcript of his stenographic notes thereof.

Bruce C. Jones

Sworn to and subscribed before me this the 25th of April, 1901.

Commissioner.



DEPARTMENT OF THE INTERIOR  
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application of Eliza Drew for the enrollment of her six minor children, Charley, Sam, Jessie, Fred, Savanna and Odessa Drew as citizens of the Creek Nation.

D E C I S I O N .

It appears from the record in this case that on February 25, 1901, Eliza Drew appeared before this Commission at Muskogee, Indian Territory and made application for the enrollment of her six minor children, Charley, Sam, Jessie, Fred, Savanna and Odessa Drew as citizens of the Creek Nation; that the father of the said children, Sam Drew, is a recognized citizen of the Creek Nation.

It also appears that the name of the father Sam Drew is found upon the authenticated 1890 Creek roll at page 20 as the head of a family of eight persons, the names of at least two or whom correspond with the names of the applicants given in the testimony; and that the names of Charlie, Sam, Jessie, Fred and Savanna Drew are found upon the 1895 authenticated census roll of Arkansas Town, Creek Nation.

It further appears that the said Eliza Drew is a recognized citizen of the Cherokee Nation being enrolled therein as a Cherokee freedman and that the said Charley, Sammie, Fred, and Jessie Drew are also recognized citizens of the Cherokee Nation; that the said Eliza Drew has elected to have her said minor children enrolled and take allotments of lands and distribution of moneys in the Creek Nation.

Paragraph 5 of Section Twenty one of the act of June 28, 1898 ( 30 Stats. 493) is as follows:

"The roll of Creek freedmen made by J. W. Dunn, under authority of the United States, prior to March 14th, 1867, is hereby confirmed, and said Commission is directed to enroll all persons now living whose names are found on said rolls, and all descendants born since the date of said roll to persons whose names are found thereon, with such other persons of African descent as may have been rightfully admitted by the lawful authorities of the Creek Nation."

And paragraph 8 of the said section of said act provides:

"The several tribes may, by agreement, determine the right of persons who for any reason may claim citizenship in two or more tribes, and to allotment of lands and distribution of moneys belonging to each tribe; but if no such agreement be made, then such claimant shall be entitled to such rights in one tribe only, and may elect in which tribe he will take such right; but if he fail or refuse to make such selection in due time, he shall be enrolled in the tribe with whom he has resided, and there be given such allotment and distributions, and not elsewhere."

The Commission holds that by the word ' descendants', as used in said act above quoted, is meant descendants in the female line according to the usages and customs of the tribes to which said act relates; that in the Creek Nation descent is in the female line when the mother is a recognized member of any Indian tribe; that to establish a right to enrollment in the tribe of his father it must be shown that the applicant has been duly and lawfully adopted, enrolled or admitted to citizenship in said tribe; and that the

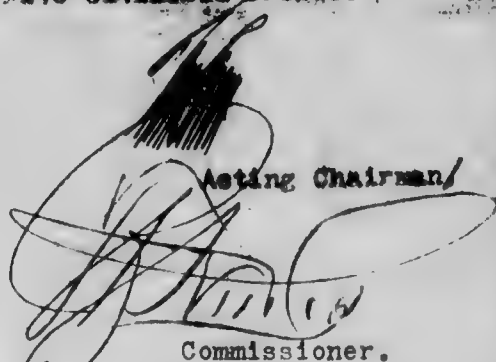
action of the tribal authorities in adopting, either by special act or by the approval of tribal rolls, certain descendants of a female member of another tribe, who are specifically named in said act or upon said rolls, cannot be construed as an adoption of children then unborn when the mother herself has not been so adopted.

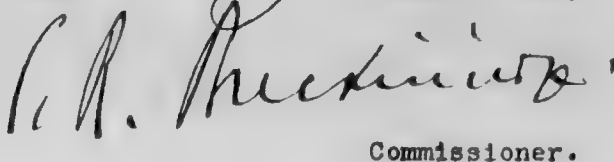
The authority of this Commission to hear and determine original applications for citizenship expired by limitation November 9, 1896, and the authority of the tribal councils and legislatures or legally constituted courts or committees designated by the several tribes to hear and determine such applications expired by limitation October 10, 1896, in accordance with the provisions of the act of Congress approved June 10, 1896, (29 Stat. 321). Paragraph 3 of the act of June 23, 1898, above quoted, did not revive or renew that authority, either in the Commission or in the tribes, and under its provisions those persons only whose names were upon the authenticated rolls of two or more tribes on June 23, 1898, or who had been duly and lawfully adopted, enrolled or admitted as citizens of two or more tribes prior to said date can elect in which of said tribes they will be enrolled and take allotment of lands and distributions of moneys.

It is therefore the opinion of this Commission that the said Charley, Sam, Jessie, Fred and Savanna Drew are citizens of the Creek Nation by adoption and that in accordance with the election made on their behalf they should be enrolled as citizens of the said Nation but that the said Odessa Drew is not a citizen of the Creek Nation by birth or adoption and that the application for her enrollment as a citizen of the said Nation should be denied and it is so ordered.

The Commission to the Five Civilized Tribes.

Dated at Okmulgee, Indian Territory,  
this the 14th day of May, 1901.

  
Acting Chairman/  
Commissioner.

  
Commissioner.

C O P Y .

Muskogee, Indian Territory, January 18, 1902.

The Honorable,

The Secretary of the Interior.

Sir:

There is herewith transmitted the record of proceedings in the matter of the application of Ella Drew for the enrollment of her six minor children, Charley, Sam, Jessie, Fred, Savanna and Odessa Drew as citizens of the Creek Nation, including the decision of the Commission dated May 14, 1901, enrolling said Charley, Sam, Jessie, Fred and Savanna Drew, and denying the application in behalf of said Odessa Drew for enrollment as a citizen of the Creek Nation.

Respectfully,

T.B.Needles.

Commissioner in Charge.

Through the Commissioner of Indian  
Affairs.

1 enclosure.  
Creek-91.



C O P Y .

Muskogee, Indian Territory, January 16, 1902.

Elisa Drew,

Muskogee, Indian Territory.

Madam:

There is herewith enclosed a copy of the decision of the Commission to the Five Civilized Tribes in the matter of the application made by you for the enrollment of your six minor children as citizens of the Creek Nation.

The decision, with a copy of the proceedings had in the case, is this day transmitted to the Secretary of the Interior for his review and decision. The final decision of the Secretary will be made known to you as soon as the Commission is advised of the same.

Yours truly,

T.B.Needles.

Commissioner in Charge.

1 enclosure.  
N.E.  
Registered.

C O P Y .

Muskogee, Indian Territory, January 18, 1902.

A. P. McKelley, Esq.,

H. C. Reed, Esq.,

Attorneys for the Creek Nation,

Muskogee, Indian Territory.

Gentlemen:

There is herewith enclosed a copy of the decision of the Commission to the Five Civilized Tribes in the matter of the application made by Eliza Drew for the enrollment of her six minor children as citizens of the Creek Nation.

The decision, with a copy of the proceedings had in the case, is this day transmitted to the Secretary of the Interior for his review and decision. The final decision of the Secretary will be made known to you as soon as the Commission is advised of the same.

Yours truly,

T.B.Needles.

Commissioner in Charge.

1 enclosure.  
McK. & R.(22)  
Registered.

COPY

Refer in reply to  
the following:

Land.  
5023-1902.

DEPARTMENT OF THE INTERIOR,  
Office of Indian Affairs,

WASHINGTON, February 1, 1902.

The Honorable

The Secretary of the Interior.

Sir:

I have the honor to transmit herewith a report made January 18, 1902, by the Commission to the Five Civilized Tribes, transmitting papers in connection with the application of Eliza Drew for the enrollment of her six minor children, Charley, Sam, Jessie, Fred, Savana and Odessa Drew, as citizens of the Creek Nation.

The Commission states that Sam Drew, the father of the children, is a recognized citizen of the Creek Nation and that his name is found upon the 1890 authenticated Creek roll as the head of a family of eight persons, the names of at least two of whom correspond with the names of the applicants given in the testimony; that the names of Charlie, Sam, Jessie, Fred and Savana Drew are found upon the 1895 authenticated census roll of Arkansas Town, Creek Nation.

It is further stated that Eliza Drew is a recognized citizen of the Cherokee Nation, being enrolled therein as a Cherokee freedman; that the said Charley, Sammie, Fred and Jessie Drew are recognized citizens of the Cherokee Nation, and that the said Eliza Drew has elected to have her minor

children enrolled as Creeks.

The Commission quotes paragraph 5 of section 21 of the act of June 28, 1898, which is as follows:

"The roll of Creek freedmen made by J. W. Dunn, under authority of the United States, prior to March 14th, 1867, is hereby confirmed, and said Commission is directed to enroll all persons now living whose names are found on said rolls, and all descendants born since the date of said roll to persons whose names are found thereon, with such other persons of African descent as may have been rightfully admitted by the lawful authorities of the Creek Nation."

Paragraph 8 of said section is also quoted as follows:

"The several tribes may, by agreement, determine the right of persons who for any reason may claim citizenship in two or more tribes, and to allotment of lands and distribution of moneys belonging to each tribe; but if no such agreement be made, then such claimant shall be entitled to such rights in one tribe only, and may elect in which tribe he will take such right; but if he fail or refuse to make such selection in due time, he shall be enrolled in the tribe with whom he has resided, and there be given such allotment and distributions, and not elsewhere."

It is then stated that "The Commission holds that by "the word 'descendants' as used in said act above quoted, is "meant descendants in the female line according to the usages "and customs of the tribe to which said act relates; that in "the Creek Nation descent is in the female line when the mother "is a recognized member of any Indian tribe; that to establish "a right to enrollment in the tribe of his father it must be "shown that the applicant has been duly and lawfully adopted".

The Commission then expresses the opinion that it has no authority to hear and determine original applications at this time, and it is of the opinion that Charley, Sam,

Jessie, Fred and Savanna Drew are citizens of the Creek Nation by adoption, and that in accordance with the election made in their behalf they should be enrolled as citizens of the Creek Nation, but that the said Odessa Drew is not a citizen and her application for enrollment should be denied.

This office agrees with the Commission's opinion except as to the rights of Odessa Drew to enrollment as a Creek citizen. It does not appear that she is on any roll of the Creek Nation, neither does it appear that her father's name appears on the Dunn Roll, and the office does not understand the applicability of the quotation of the Commission relating to the Dunn Roll. Sam or Samuel Drew was identified by Cuffy McIntosh, a witness, as the person who was admitted by the Council, and whose name appears on page 102 of McKellop's Compilation of the Laws of the Creek Nation, section 294, as the father of this child, Odessa Drew.

It is provided in the act of June 30, 1898, section 21, that

"Said Commission is authorized and directed to make correct rolls of the citizens by blood of all the other tribes (except Cherokees), eliminating from the tribal rolls such names as may have been placed thereon by fraud or without authority of law, enrolling such only as may have lawful right thereto and their descendants born since such rolls were made,  
" . . . . ."

The office does not agree with the Commission that the word "descendants" used in the paragraph relative to the Dunn Roll or that just quoted refers only to descendants in the female line, but it believes that the word should be taken in the ordinary and usual acceptation, meaning much as though it read "all descendants". It is not to be presumed that Congress intended to restrict the right to enrollment to descendants of females only and not to the descendants of males. If such had been the case or if it had been the intention to construe the language according to the customs of the various tribes in the Indian Territory that intention would doubtless have been expressed in apt terms.

The father of these children was an adopted citizen of the Creek Nation. The children are his descendants, and the office believes that their names should be placed on the Creek roll, their mother having elected to have them enrolled as members of that nation.

It is remarked that Odessa Drew is a child of tender years and it would perhaps be unfortunate for her to have an allotment of land in a nation different from that of her mother and other members of the family, and certainly it could not have been the intention of Congress to enact a law which would produce such results.

It is therefore respectfully recommended that the Commission be directed to enroll all the applicants as members

of the Creek tribe of Indians.

Very respectfully,

Your obedient servant,

W. A. JONES.

Commissioner.

WCV  
D

Inclosures.



Copy.

DEPARTMENT OF THE INTERIOR.  
I.T.D. 688,2447-1902.

FHE

WASHINGTON.

LRS.

November 22, 1902.

Commission to the Five Civilized Tribes,  
Muskogee, Indian Territory.

Gentlemen:

February 1, 1902, the Commissioner of Indian Affairs transmitted your report of January 18, 1902, submitting the papers in the case of Eliza Drew, for the enrollment of her minor children, Charley, Sam, Jessie, Fred, Savanna and Odessa Drew, as citizens of the Creek Nation.

It appears that Sam Drew, the father of the said children, is a recognized citizen of the Creek Nation, and his name is found upon the 1890 authenticated Creek roll as the head of a family of eight persons, the names of at least two of whom correspond with the names of the applicants given in the testimony; that the names of Charley, Sam, Jessie, Fred and Savanna Drew are found upon the 1895 authenticated census roll of Arkansas Town, Creek Nation; that Eliza Drew is a recognized citizen of the Cherokee Nation, being enrolled therein as a Cherokee freedman; that said Charley, Sam, Fred and Jessie Drew are recognized citizens of the Cherokee Nation.

Eliza Drew has elected to have her said children enrolled in the Creek Nation, in accordance with paragraph 8 of section 21 of the act of June 28, 1898 (30 Stat., 495). You referred to paragraph 5 of said section and held

"That in the Creek Nation descent is in the female line when the mother is a recognized member of any Indian tribe; that to establish a right to enrollment in the tribe of his father it must be shown that the applicant has been duly and lawfully adopted."

You concluded that Charley, Sam, Jessie, Fred and Savanna Drew are citizens of the Creek Nation, and that they should be so enrolled, and rejected the application as to Odessa Drew as her name does not appear upon any Creek roll.

The Commissioner agrees with your opinion except as to Odessa Drew. As he states, Sam or Samuel Drew was identified by Cuffy McIntosh, a witness, as the person who was admitted by the Creek Council, and whose name appears on page 102 of McKellop's Compilation of the Laws of the Creek Nation, section 294, as the father of this child. He gives his reasons for disagreeing with you as to the rights of said child, and states that as its father was an adopted citizen of the Creek Nation, the child is his descendant, and that her name should be placed on the Creek roll.

At the time the testimony was taken Odessa Drew was four years of age.

Following departmental decision of November 20, 1902, in the case of Lillian and Pearl Lerblance, the Department finds all the applicants entitled to enrollment, and your decision is reversed as to Odessa Drew.

A copy of the Commissioner's letter is inclosed.

An argument filed by the attorney for the Nation has received due consideration.

Respectfully,

Thos. Ryan.

Acting Secretary.

1 inclosure.

E. M.

COMMISSIONERS

HENRY L. DAWES.  
TAMM BIXBY,  
THOMAS B. NEEDLES,  
C. R. BRECKINRIDGE.

ALLISON L. AYLESWORTH,  
SECRETARY.

DEPARTMENT OF THE INTERIOR,  
COMMISSION TO THE FIVE CIVILIZED TRIBES.

REFER IN REPLY TO THE FOLLOWING

Creek Enrollment  
Case No. 91.

ADDRESS ONLY THE  
COMMISSION TO THE FIVE CIVILIZED TRIBES.

Muskogee, Indian Territory, December 2, 1902.

Elisa Drew,

Muskogee, Indian Territory.

Dear Madam:

You are hereby notified that the Commissioner of Indian Affairs, reporting to the Department, under date of February 1, 1902, in the matter of the application made by you for the enrollment of your six minor children, Charley, Sam, Jessie, Fred, Savanna and Odessa Drew, as citizens of the Creek Nation, recommends that this Commission be directed to enroll all of the above applicants as members of the Creek tribe of Indians, and that the Acting Secretary of the Interior, under date of November 22, 1902, concurs in the recommendation of the Commissioner of Indian Affairs.

You are further notified that in accordance with the decision of the Acting Secretary of the Interior, your six children above named have been regularly enrolled as citizens of the Creek Nation.

Respectfully,



Acting Chairman.

Registered.

COPY

Creek Enrollment  
Case No. 91.

Muskogee, Indian Territory, December 2, 1902.

A. P. McKellop, Esq.,

H. C. Reed, Esq.,

Attorneys for the Creek Nation,

Muskogee, Indian Territory.

Gentlemen:

You are hereby notified that the Commissioner of Indian Affairs, reporting to the Department under date of February 1, 1902, in the matter of the application made by Eliza Drew for the enrollment of her six minor children, Charley, Sam, Jessie, Fred, Savanna and Odessa Drew, as citizens of the Creek Nation, recommends that this Commission be directed to enroll all of the above applicants as members of the Creek tribe of Indians, and that the Acting Secretary of the Interior, under date of November 22, 1902, concurs in the recommendation of the Commissioner of Indian Affairs.

You are further notified that in accordance with the decision of the Acting Secretary of the Interior the above named have been regularly enrolled as citizens of the Creek Nation.

Respectfully,

Acting Chairman.

COPY

Pr. Card #1790.  
Creek Enrollment  
Case No. 91.

Muskogee, Indian Territory, December 2, 1902.

Cherokee Enrollment Division,

Commission to the Five Civilized Tribes.

Gentlemen:

You are hereby advised that the Acting Secretary of the Interior, under date of November 22, 1902, directed the Commission to enroll Charley, Sam, Jessie, Fred, Savanna and Odessa Drew, as citizens of the Creek Nation.

You are further advised that, in accordance with Departmental decision, the parties above named have been enrolled as citizens by adoption of the Creek Nation, on Creek Freedmen Card, Field No. 1790.

It appears from the records of the Creek Enrollment Division that Eliza Drew, the mother of the above named children, is a recognized citizen of the Cherokee Nation, and that she, together with the above named, and one other, Dewitt Drew, are listed for enrollment on Cherokee Freedmen Card, Field No. 651.

Respectfully,

Acting Chairman.

# MEMORANDUM.

On February 25th, 1901, application was made for enrollment as citizens of the Creek Nation, of the following named parties:

NAME	AGE
Charley Drew-----	17
Sam Drew-----	14
Jessie Drew-----	12
Fred Drew-----	10
Savanna Drew-----	8
Odessa Drew-----	5

The testimony taken discloses the fact that the mother of the above applicants is a citizen of the Cherokee Nation.



COMMISSIONERS:

HENRY L. DAWES,  
TAMM BIXBY,  
THOMAS B. NEEDLES,  
C. R. BRECKINRIDGE

ALLISON L. AYLESWORTH,  
SECRETARY

DEPARTMENT OF THE INTERIOR,

COMMISSION TO THE FIVE CIVILIZED TRIBES.

ADDRESS ONLY THE  
COMMISSION TO THE FIVE CIVILIZED TRIBES

Muskogee, Indian Territory, FEB 1 1902, 1902.

Received on this date from the Commission to the Five  
Civilized Tribes a copy of the record of proceedings in the matter  
of the application of Eliza Drew for the enrollment of her chil-  
dren as citizens of the Creek Nation.

A. M. Keen

Attorney for Creek Nation.

Creek No. 91.

CR EU 92

DEPARTMENT OF THE INTERIOR  
COMMISSION TO THE FIVE CIVILIZED TRIBES.  
OKMULGEE, INDIAN TERRITORY, MARCH 14th, 1901.

In the matter of the application of Joe Grayson for enrollment as a citizen of the Creek Nation. Joe Grayson being duly sworn by Acting Chairman, Bixby, testified as follows:

(Examination by the Commission).

Q As a citizen of what Nation are you an applicant for enrollment? A Creek Nation.

Q What is your name? A Joe Grayson.

Q What is your age? A I don't know.

Q What is your post office address? A I don't know.

Q Where do you get your mail? A I don't get any mail.

Q Where do you live? A On Deep Fork.

Q In the Creek Nation? A Yes.

Q Have you ever been recognized by the tribal authorities of the Creek Nation as a citizen of the Creek Nation? A I don't know, I reckon I did.

Q Have you ever been enrolled by the Creek tribal authorities as a citizen of the Creek Nation? A Yes, I think I did.

Q Does your name appear on the tribal rolls of the Creek Nation? A Yes.

Q Where do you live? A On Deep Fork.

Q How long have you lived on Deep Fork? A About a year I reckon.

Q Where did you live prior to that time? A At Brushhill.

Q How long did you live at Brushhill? A About a year.

Q Where did you live before that? A On the river in the Creek Nation.

Q What river? A Canadian.

Q Is your name on the Dunn Roll? A I reckon it does. It ought to be.

Q What is the name of your father? A I never did see him.

Q What is the name of your mother? A I know her name.

Q What is it? A Phoebe.

Q Is your mother living? A No sir, died.

Q When did she die? A Long time after the war.

Q What town in the Creek Nation do you belong to? A I don't know.

Q Is your mother's name on the Dunn Roll? A No sir.

Q Have you been outside the Territory within the past three years? A No sir, never did.

Q Does your name appear on the 1890 authenticated roll of the Creek Nation? A No sir.

Q Does your name appear on the 1895 Authenticated roll of the Creek Nation? A Never been nowhere much.

Q Are you married? A No sir.

Q Have you any minor children under 21 years of age and unmarried for whom you wish to make application for enrollment?

A No sir.

Q Did you draw the \$17 and some odd cents shortly after the war? A No sir.

Q Is there any additional statement that you desire to make at this time with reference to your application? A No sir.

Q Who was your owner before the war? A Katie Grayson.

Q Where were you when peace was declared? A On Red River.

Q Where were you during the war? A In the Creek Nation.

#2. Joe Grayson.

- Q Do you remember when peace was declared? A Yes.  
Q Where were you living then? A In camp.  
Q Where were you camped when peace was declared? A On Red River  
Q In Texas or in the Indian Territory? A In Texas.  
Q How long after peace was declared before you came back to the Indian Territory? A A good while, I could'nt tell.  
Q Where did you live after you came back from Texas? A Lived in the Creek Nation, all the time until now.  
Q Do you know how long after the war, --- after peace was declared, before you came back to the Creek Nation? A I don't know how long it was, but it was a pretty good while.

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SAM GRAYSON, being duly sworn by Acting Chairman Bixby, testified as follows:

- Q What is your name? A Sam Grayson.  
Q Are you a citizen of the Creek Nation? A I am.  
Q Have you been enrolled by the Commission to the Five Civilized Tribes as a citizen of the Creek Nation? A Yes sir.  
Q Are you acquainted with Joe Grayson who is now an applicant for enrollment as a citizen by adoption of the Creek Nation? A I am.  
Q How long have you known him? A About 35 or 40 years.  
Q Did you know him before the war? A Yes sir.  
Q Was he a slave of a Creek citizen? A Yes sir.  
Q Who was his owner? A Katie Grayson.  
Q What relation was Katie Grayson to you? A Grand-mother.  
Q Do you know where Joe Grayson was during the war? A Yes sir, on Red River in the Chickasaw Nation.  
Q Was he outside the Territory? A No sir, right on the bank of the river.  
Q Has he ever been outside the Territory since you have known him? A No sir.  
Q Where was he when peace was declared? A Down on Red River in the Choctaw Nation.  
Q Do you know when he returned to the Creek Nation? A In the spring of '66, we all came back together.  
Q Do you know whether or not his name is on the Dunn Roll? A Yes sir, I think it is.  
Q What makes you think his name is on the Dunn Roll? A Well because all the other negroes that belong to my grand-mother were on the roll.  
Q Do you know whether or not he drew the payment? A No sir, I do not.  
Q Do you know whether or not he has ever drawn any money in the Creek Nation? A No sir, I do not.  
Q Have you known him since the war? A Yes sir.  
Q Where did he live? A On Canadian a while, at Brushhill, he lives with a cousin of mine now on Deep Fork, --- that is his present abode.  
Q Well do you think his name would be on the rolls and yet not draw any money? A Well I could'nt say. I do not know.  
Q He stated that he has never drawn any money in the Creek Nation, do you know of any one that would have drawn it for him? A I have a cousin who might have tried to draw for him but I do not know whether he did or not. Some one else may have claimed it, ---- I don't know. I never paid any attention to it.

#3. Joe Grayson.

(By Mr. Bixby)

- Q Do you know of any other Joe Grayson? A I have a cousin by the name of Joe Grayson--- he is at school.
- Q When did you first know Joe Grayson? A About 35 or 40 years.
- Q Did you know him in '67? A Yes sir.
- Q Where did you live in '67? A Near Kufaula.
- Q How old were you at that time? A I don't know just how old I was, about 17 or 18 years old, I don't know my exact age.
- Q Did you know that this man, Joe Grayson was in the Creek Nation at that time? A Yes sir.
- Q Whereabouts? A Down on the Canadian River.
- Q Living on your grand-mother's plantation? A No sir, he was living with a cousin of mine.
- Q Who did he belong to? A My grand-mother.
- Q Was he living with your grand-mother in '67? A No sir, he might have been living with a daughter of hers, an aunt of mine.
- Q Did he live continually in the Creek Nation? A No sir, not altogether, he lived in the Chickasaw Nation, first one place then another.
- Q How do you count for it that he has never gotten his money in the Creek Nation? A Well nobody looked after for him, he has no relatives or anything of that kind living.
- Q In your own mind there is no ~~any~~ doubt as to his identity? A No sir, I am just as positive as I am of my own existence.
- Q Do you know how old Joe Grayson is? A I do not know.
- Q About how old a man was he when you first knew him? A About thirty years old.
- Q That was about the beginning of the war? A Yes sir.

JOE GRAYSON, recalled.  
(By the Commission).

You will be furnished at a later date with a copy of the decision of the Commission with reference to the application made by you at this time for the enrollment of yourself as a citizen of the Creek Nation, which will be mailed to you at your present post office address, at Checotah, Indian Territory.

Lona Cummings having been first duly sworn, upon her oath states that as stenographer to the Commission to the Five Civilized Tribes, she reported in full all proceedings had in the above entitled cause on the 14th day of March, A.D., 1901, and that the above and foregoing is a full, true and correct transcript of her stenographic notes, of said proceedings on said date.

*Lona Cummings*

Subscribed and sworn to before me at Okmulgee, Indian Territory, this 23 day of March, A.D., 1901.

  
Acting Chairman.

DEPARTMENT OF THE INTERIOR,  
COMMISSION TO THE FIVE CIVILIZED TRIBES,  
Okmulgee, Indian Territory, March 14, 1901.

In the Matter of the Application of Joe Grayson for enrollment as a Creek Freedman.

Sam Grayson, having been first duly sworn, testified as follows:

Examination by Mr. Bixby:

- Q Did you ever hold office in the Creek nation? A Yes, I have been clerk in the house of warriors and clerk in the house of kings, and I was Treasurer.
- Q Do you hold any official position now? A No sir.
- Q Do you know one Joe Hutton? A Yes sir.
- Q Is he an Indian or a colored man? A He is a colored man.
- Q How old is he? A I don't know; he is 60 or 70 years old.
- Q Have you known him a great many years? A Yes, I have known him since the war.
- Q When did you first see him? A The first I seen him to know him was in the Choctaw nation.
- Q What year? A I can't tell as to that; don't remember.
- Q What name was he going by when you first saw him? A I never knew him by any other name than Joe Hutton.
- Q How long after the war did you see him first? A I couldn't say; I have forgotten.
- Q Was it three or five years? A That is a point I could not say.
- Q How long was it before the Katy road was built through the Territory? A It must have been in '67 or '68. I went off to school in '68, and I knew him before I went away, but I couldn't tell as to when.
- Q You went off to school in '68? A Yes, October, '68.
- Q And before going to school you knew this colored man, Joe Hutton? A Yes, my uncle sent me to school, and he was in the Creek nation in '68.
- Q Did you ever hear of his going by the name of Joe Grayson? A No, I heard of his claiming it; I never heard of his going by it.
- Q When did you first hear of his claiming at one time of having the name of Joe Grayson? A I can't say as to that when I did.
- Q Do you know whether he was the slave of a Creek Indian? A I think he was, they, however, resided in Texas prior to the war.
- Q The creek Indian that owned Joe Hutton resided in Texas? A Yes, he belonged to an old lady by the name of Hutton; her husband's name was Hutton.
- Q When did this old lady remove to the Creek Nation, if ever? A Several years afterwards.
- Q Several years after the war? A Yes sir.
- Q This old lady Hutton did not live in the Creek nation before the war? A No, she lived in eastern Texas somewhere. I don't know where.
- Q Do you know of any other person who knew Joe Hutton in '67 or '68? A Yes, my brother knew him, G. W. Grayson. Old Dick Grayson knew him, and Boly McIntosh would know him.
- Q Is your brother that you speak about, living? A Yes, he was living yesterday.

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Frances R. Brown having been first duly sworn, upon her oath states that as stenographer to the Commission to the Five Civilized Tribes she reported in full all proceedings had in the above entitled cause on the 14th day of March, 1901; and that the above and foregoing is full, true and correct transcript of her stenographic notes of said proceedings on said date.

Subscribed and sworn to before me this 14th day of March, 1901.

*Frances R. Brown*  
Acting Chairman.



DEPARTMENT OF THE INTERIOR.  
COMMISSION TO THE FIVE CIVILIZED TRIBES.  
MUSKOGEE, INDIAN TERRITORY, APRIL 13, 1901.

In the matter of the application of Joe Grayson for enrollment as a Creek Freedman.

G. W. Grayson, having been called and sworn as a witness in this case, testifies as follows:

Examination by Mr. Bixby.

- Q What is your name? A G. W. Grayson.  
Q Where do you live, Mr. Grayson? A Eufaula.  
Q Indian Territory? A Yes sir.  
Q How long have you lived in the Indian Territory? A All my life.  
Q Are you a citizen of the Creek Nation? A I am.  
Q How old are you? A I am fifty seven.  
Q Did you ever occupy any official position in the Creek Nation?  
A I have.  
Q What positions have you held in the Creek Government? A I have been Clerk of the Council, treasurer of the Nation and member of Council quite a number of years.  
Q Are you holding any position now? A Well, partly, I am now interpreter of one branch of Council.  
Q You are quite well acquainted with the Citizens of the Creek Nation in a general way? A I am, those in my neighborhood.  
Q Which town do you belong to? A Coweta.  
Q Do you know Joe Grayson? A Yes sir.  
Q Is he an Indian or a colored man? A Well, there is an Indian person by the name of Joe Grayson, but then there a nigger by the name of Joe Grayson and he is the one whom I am here to talk about.  
Q How old is this Joe Grayson? A This nigger Joe Grayson?  
Q Yes sir. A Well that nigger must be-- he must be sixty years of age  
Q Did he ever go by any other name than Joe Grayson? A None that I know of.  
Q Do you know Joe Hutton? A I know Joe Hutton.  
Q Is this Joe Grayson that you refer to and Joe Hutton one and the same person? A No sir.  
Q How long have you known Joe Grayson? A Why it is something over forty years, sir.  
Q Is he a citizen of the Creek Nation? A Well, he belonged to my grandmother and my grandmother's niggers were not citizens for some time, but they were finally adopted by action of council and I find this Joe Grayson that I am speaking of included in the family of niggers of my grandmother, as they were adopted and recorded in the law books; from that I take it he is adopted as a citizen.  
Q Is your grandmother a Creek Indian? A She was.

Examination by A. P. McKellop, attorney.

- Q You can just state, Mr. Grayson, when you first became acquainted with Joe Grayson. A Well, I could not give you the exact date or couldn't approximate it very well, but it something like four or five years previous to the breaking out of the last war., and I have known him continuously from that time on.  
Q Did he live in the Creek Nation, and a slave to your grandmother up to the breaking out of the civil war? A No sir, my grandmother lived just across the river in the Choctaw Nation; he lived over there with her.



You will probably remember that Mrs. McGilbray and my grandmother's families and some other Creeks lived just across the Canadian river in the Choctaw country, and were always regarded as Creeks; they were Creeks and were so regarded.

- Q Were they enrolled in the Creek Nation and recognized as Creek citizens? A They were.
- Q Where is this Joe Grayson now living? A I am not positive; the last time I heard of him he was living somewhere near Brush Hill.
- Q Is it your understanding that when a number of freedmen were adopted by an act of the Creek Council in about the year 1867, that he was one among others that was adopted? A I have so understood because-- I have understood that all of my grandmother's niggers were adopted, as also were Uncle Wat Grayson's niggers. I happen to know for the reason that the Indians used to claim that they were not Creek citizens and were not entitled to rights in the Creek Nation and that controversy went on so long that eventually in order to quiet things, the Creeks just adopted them all.
- Q Do the names of other former slaves of your grandmother appear upon the same list of adopted citizens that this Joe Grayson's name appears on? A Well, April, Tilda and old Mary and such names and those are negroes that belonged as slaves to my grandmother and came back with them, they all came back together from Red River and were raised together and when they were adopted I find all the names one right after the other and among them Joe Grayson.
- Q Do you know Joe Hutton? A Yes sir.
- Q Did you know him prior to the war? A I think not.
- Q Do you know who he belonged to prior to the war? A Why he belonged to the Hutton family and the Hutton family, as far as I know anything about it, consisted of a Creek woman by the name of Nancy and Hutton, a white man.
- Q Her name then was Nancy Hutton? A Yes.
- Q Where did she reside before the war? A Why, somewhere in Texas, I never knew where.
- Q She resided there when the war began-- broke out? A Yes sir.
- Q Did she return to the nation after the war? A Yes sir.
- Q About how long after the war did she return to the nation?
- A I don't remember, sir, but it was quite a number of--- several years after.
- Q Did Joe Hutton return when she did to the Creek Nation? A He returned probably first, before she did.
- Q How long after the war did Joe Hutton return? A That I don't know.
- Q He didn't reside in the Creek Nation up to the commencement of the war? A No sir.
- Q You don't know what year Joe Hutton came to the Creek Nation?
- A I don't know; I know this, that there was a controversy among the Indians that those niggers-- he lived over on the other side of the river when he did return, among Uncle Wat's niggers, and as I remarked the Indians contended that they had no rights in the Creek Nation although some of them had moved over and were fixing to move over, and they made a contest over these niggers but they had come within the twelve months stipulated in the treaty and were entitled to rights but it was always contested by Mr. Stidham and other people that you know more about than I do that they never had come within the stipulated time and that was his contention all the time until it was discovered that somebody by the name of Joe Grayson had been adopted and nobody knew where he was, this Joe Grayson and then I suppose because Hutton had lived among Uncle Wat's niggers he thought he could adopt the name of Joe Grayson.
- Q And it was your understanding that Joe Hutton adopted the name

Joe Grayson 3

of Grayson in order to be recognized as a citizen of the Creek Nation? A I feel quite sure of it because he claimed his rights as having belonged to a Creek and having returned within the time stipulated by the treaty, but when he failed in that he claimed that no longer but claimed to be Joe Grayson, one who had been adopted by the Creek Council.

Q He was not one of the Grayson slaves then prior to the war?  
A Never as I know of.

Witness excused.

Anna Bell, having been first duly sworn, on oath states that, as stenographer to the Commission to the Five Civilized Tribes, she reported in full all proceedings had in the above entitled cause at Muskogee, April 13, 1901, and that the above and foregoing is a full, true and correct transcript of her stenographic notes in said cause on said date.

*Anna Bell*

Subscribed and sworn to before me this 13 day of April, 1901.



Acting Chairman.

DEPARTMENT OF THE INTERIOR  
COMMISSION TO THE FIVE CIVILIZED TRIBES.  
Okmulgee, Indian Territory, May 17th, 1901.

In the matter of the application of Joe Grayson for enrollment as a citizen of the Creek Nation.

Paro Bruner being duly sworn, testified as follows:

Examination by the Commission.

Q What is your name? A Paro Bruner.

Q What is your age? A Well on to 75.

Q What is your post-office address? A Holdenville.

Q Do you know a man by the name of Joe Grayson who was formerly a slave of Katie Grayson said to be a Creek citizen who at one time lived on the south side of Canadian River? A Yes sir I knew that boy. He was a boy then.

Q He was a boy at what time? When he was a slave? A Yes sir.

Q Do you know whether or not the said Joe Grayson was ever recognized as a citizen of the Creek Nation by the tribal authorities of the Creek nation? A That Joe Grayson you are speaking of - I don't know as he was ever recognized as a citizen. I don't know as he ever come over and applied.

Q Do you know any other Creek freedman by the name of Joe or Joseph Grayson? A Yes sir.

Q Does this other Joe Grayson still go by the name of Joe Grayson? A He always did went by the names. His first formerly home was the Grayson - by marriage - his mistress married to a man by the name of Jim Hutton. They they called Joe Grayson a heap of times Joe Hutton by his mistress husband's name. When he come down and enrolled among the Creeks was inside the limit time which had set apart by the '66 treaty stipulation and enrolled himself Joe Grayson. His father a Grayson - his mammy a Grayson. He used to live on the old family home west of Tallahassee mission close to a little town named Sedon .

Q In the Green Nation? A In the Creek Nation just north of Muskogee.

Q When you say that Joe Grayson enrolled himself within the time stipulated by the treaty of 1866 as Joe Grayson do you mean to say that his name was placed upon the roll made by J. W. Dunn in 1867? A Well now I can't say for certain whether it was in that time. But any way it was inside of the limit. He happened it I can't tell but he put it down Joe Grayson, the man Joe Hutton.

Q He was put down by Major Dunn that way was he? A Yes sir.

Q What town did he belong to? A North Fork.

The roll of Creek freedmen made by J. W. Dunn, under authority of the United States prior to March 14, 1867 examined and the name of Joseph Grayson found thereon in North Fork Town at No. 272.

Q On page 103 of the 1893 Creek Law book is found the name of Joe Grayson among those persons who were admitted to citizenship in the Creek Nation? A Do you know who that Joe Grayson was? A Yes sir.

Q State if you please. A The same Joe Grayson, Joe Hutton he has been contested I don't know how many times.

Q Is it not possible that this Joe Grayson on the law book is the Joe Grayson who formerly belonged to Katie Grayson and lived on the south side of Canadian River? A I have no room to say it as for why I have been around the council and attended a session before

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'78 and I never did see the one Joe Chunta around here. I never did see him around here in any ways asking for citizenship. I never seen him around this way.

Q Do you know whether or not that Joe Grayson or Joe Hutton applied to Council to be admitted to citizenship? A Well yes sir.

Q You can state positively then that this Joe Grayson on the law book is the same as Joe Hutton, A yes sir.

Q Did you ever hold any other position besides member of the House of Warriors and member of the House of Kings? A Yes sir.

Q What other position? A Colbert Commission. I was one of the members.

Q Do you know whether or not Joe Hutton applied to the Colbert Commission for admission to citizenship? A Yes sir, he did.

Q And that is the same Joe Hutton whose name appears upon the Dunn roll and upon the 1893 law book? A Yes sir the same identical man.

Q How does it happen that if Joe Hutton is the same as Joe Grayson on the Dunn roll and on the law book that he was obliged to go before the Colbert Commission to be admitted to citizenship?

A Well - how it happened - The Creek Council contested a many of colored ones citizens rights. They contested it. Then they passed an act, the Commission of Five be made to say who are citizens of the Muskogee Nation and whatever they done shall be final and ~~which~~ I was belonging to that Commission and one Joe Hutton, same man Joe Grayson appeared before us. I knew him by himself and we rallied him and rallied him and rallied him and at that time the Colbert Commission cared no more for what was in that book than a crow cares for Sunday in the light of citizenship. That is correct. Yet from the length of time Joe Hutton was with us we admitted him to full citizen of the Muskogee Nation. The Colbert Commission did.

Q He applied to the Dawes Commission in 1896 too didn't he?

Q I don't know about that. I don't see why he should. We had admitted him in 1893. His family did in 1896.

Q Did this Joe Grayson, the slave of Katie Grayson who lived south of the Canadian River go by any other name besides Joe Grayson? A Well - I don't know of any other name. His first formerly owner. If my recollection serves me right, the boy Katie Grayson bought - I aint certain of that.

Q Has he been known by the people in the Creek Nation by any other name has he been called any other name? A Not that I know only his owner Katie Grayson and his service, doctor and all about the place called Jim Joe Chunta. Yet he was a Grayson and when it come to a surname it was bound to be Grayson.

Q Joe Chunta was a nick name then was it? A Just a nick name. Just a nick name.

Q Do you think that it is possible that that Joe Grayson or Joe Chunta is the one whose name as on the Dunn roll as Joseph Grayson? A Indeed I don't for he never was on this side to my knowing or before Major Dunn. I don't know anything about that. I don't know anything about him applying for citizenship but him Joe Hutton has just enrolled himself Joe Grayson.

Q What was the first time after the war that you saw that Joe Grayson or Joe Chunta in the Creek Nation? A I never did see Joe Chunta since it was declared.

Q You don't know whether he is living or not? A No sir, I don't know. I know Joe Hutton is living the same Joe Grayson.

Myra Young having been first duly sworn upon her oath states that as stenographer to the Commission to the Five Civilized Tribes she reported in full all proceedings had in the above entitled cause on the 17th day of May, 1901, and that the above and foregoing is a full, true and correct transcript of her stenographic notes of said proceedings on said date.  
Subscribed and sworn to before me this 17th day of May, 1901, at Okmulgee, Indian Territory.

*Myra Young*  
Noting Chairman.

DEPARTMENT OF THE INTERIOR  
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application of Joe Grayson for enrollment as a citizen of the Creek Nation.

DECISION.

It appears from the record in this case that on March 14, 1901, Joe Grayson appeared before this Commission and made application for enrollment as a citizen of the Creek Nation, claiming to be a Creek freedman.

It also appears that the said Joe Grayson has not been recognized as a citizen of the Creek Nation by the tribal authorities thereof or duly and lawfully enrolled or admitted as such and his name cannot be found upon the roll of Creek freedmen made by J. W. Dunn under authority of the United States or upon any authenticated roll of the Creek Nation now in possession of this Commission.

The act of Congress approved June 28, 1898, ( 30 Stats. 495), provides:

"The roll of Creek Freedmen made by J. W. Dunn, under authority of the United States, prior to March 14th, 1867, is hereby confirmed, and said Commission is directed to enroll all persons now living whose names are found on said rolls, and all descendants born since the date of said roll to persons whose names are found thereon, with such other persons of African descent as may have been rightfully admitted by the lawful authorities of the Creek Nation."

It is therefore the opinion of this Commission that said Joe Grayson is not a Creek freedman and that his application for enrollment as a citizen of the Creek Nation should be denied and it is so ordered.

The Commission to the Five Civilized Tribes.

Dated at Okmulgee, Indian Territory,  
this the 18th day of May, 1901.

  
Acting Chairman.

  
Commissioner.

  
Commissioner.



DEPARTMENT OF THE INTERIOR  
COMMISSION TO THE FIVE CIVILIZED TRIBES  
Muskogee, Ind.Ter., April 26, 1902.

In the matter of the application of Joe Grayson for enrollment as a citizen of the Creek Nation.

Appearances: E. Hastain, attorney for the applicant.  
A. P. McKellop, attorney for the Creek Nation.

Roley McIntosh, being first duly sworn, testified as follows:

By Mr. Hastain:

- Q What is your name? A Roley McIntosh.  
Q What is your age? A I don't know; I think it is about sixty odd.  
Q What is your post office address? A Fums.  
Q Are you a citizen of the Creek Nation? A Yes.  
Q What official position, if any, do you now occupy? A Well, I have been Councilman, and after that sometimes judge, and used to practice law.  
Q Are you a member of the Council now? A Yes, sir.  
Q House of Kings? A House of Kings.  
Q Do you occupy any other position now with reference to the Creek Nation?

Mr. A. P. McKellop, by consent of the applicant, interprets the balance of Mr. McIntosh's testimony.

- A. A delegate at Washington for the Muskogee Nation.  
Q Are you acquainted with Joe Grayson who is an applicant for enrollment as a citizen of the Creek Nation? A Yes, sir.  
Q You may state whether or not he is a citizen of the Creek Nation. A I was not acquainted with Joe Grayson at the time that he was adopted as a citizen by the Creek Council, but I became acquainted with him afterward, and have known him since, and know him today. I was a member of the Creek Council when he and others were adopted, among the number was this Dick Grayson, who is sitting here, and a number of others. To the best of my knowledge, they belonged to Katy Grayson, prior to the war. They lived in the Choctaw Nation, and I think that is the reason the question of citizenship was raised. After about three attempts to adopt them, by the Council, the Council finally took action on the matter and adopted them. I was at that time a member of the Council.  
Q Can you show the Commission the name of Joe Grayson on the law book, where he was adopted? A Yes, the name appears on the list.

The Constitution and Laws of the Muskogee Nation, as compiled and modified by A. P. McKellop, in 1893, p. 103.

By A. P. McKellop:

- Q I understood you to state that you were not acquainted with Joe Grayson at the time that a number of applicants for citizenship were adopted by the Creek National Council in the year 1867.  
A Yes, sir.  
Q Then you cannot state positively that the Joe Grayson, who is now the applicant, is the same person whose name appeared at that time on the list of persons that were adopted? A I cannot state positively that this is the same person who was adopted

at that time, but there were others who were adopted at the same time who say that this Joe Grayson is the same person.

- Q Did you know Joe Grayson prior to the civil war? A No, sir.
- Q Do you know whether he was in the Creek Nation within twelve months after the ratification of the treaty of 1866 between the United States and the Creek Nation? A I did not see him, and I do not think he was here. He has always lived in the Choctaw Nation, and only removed to the Creek Nation recently.

By E. Hastain:

- Q State whether or not it has always been your understanding that he returned to the Choctaw Nation after the war. A At the time that this application was made to the Creek Council for adoption, there were included among the applicants the former slaves of the Grayson's--that is, Watt Grayson's slaves--and his sister's slaves and the McGilbray's slaves, who had resided in the Choctaw Nation prior to the war.
- Q Has it been your understanding, Mr. McIntosh, that this Joe Grayson, who is now an applicant for citizenship, was the same Joe Grayson who was adopted by the Council. A Yes, sir; that has been my understanding--that he belonged to the Grayson's, the same as the others who were adopted belonged to the Graysons.

By Mr. McKellop:

- Q This applicant, Joe Grayson, and others of which you spoke, resided, then, prior to the war, in the Choctaw Nation? A Yes,-- I mean by that, that the Grayson's and the McGilbray's, owners of these slaves, were Creeks, but they resided in the Choctaw Nation before the war, and had their slaves with them in the Choctaw Nation. McGilbray belonged to the Hickory Ground Town, and the Grayson's to the Ketchopataka.

Dick Grayson, being first duly sworn, testified as follows:

By Mr. Hastain:

- Q Are you a citizen of the Creek Nation? A Yes, sir.
- Q What is your post office address? A Eufaula.
- Q How old are you? A I could not tell you; I is pretty old; I was quite a good sized boy when I came from old Alabama.
- Q Are You acquainted with Joe Grayson, who is an applicant for citizenship? A Yes, sir; I am acquainted with the one who used to belong to Katy Grayson, by the name of Joe Grayson.
- Q Is he a citizen of the Creek Nation? A I suppose so; Why he belonged to Katy Grayson--he bound to be.
- Q Do you remember the time when the Council adopted several slaves of the Grayson's? A Yes, sir; you will find it on this book. There is Willie Grayson, and Mandy Grayson, and Joe Grayson, that belongs to Katy Grayson; then you will find on another place Dick Grayson and Richard Grayson on another place.
- Q Well, was Joe Grayson adopted at the same time you were? A Yes, sir; he was bound to be; there were Willie Grayson and Mandy Grayson, they both belonged to Katy Grayson: Well, this Joe Grayson is right among them, admitted at the same time.
- Q Do you remember when Major Dunn made a payment? A Yes, I remember that.
- Q Well, state whether or not Joe Grayson was on the roll that Major Dunn made. A Well, I couldn't tell you that. Of course, as for me, I went by myself. We were living by ourselves, you know, and I went down myself and had my name put on. See, we were different families together, and living at different places.
- Q Was Joe Grayson living here at that time--here in the Territory, I mean? A Well, I could not tell exactly. You see we were sort of scattered about, and living scattered about. Couldn't



tell if he had been here or not, living a distance apart each of us.

- Q How long have you known Joe Grayson? A Oh, I have known him a good long while, since he were a boy.
- Q Were you boys together? A No, sir; I am a great deal older man than he is.
- Q Did you belong to Katy Grayson? A I belonged to Watt Grayson, and this Joe Grayson belonged to Katy Grayson.
- Q Was Katy Grayson a Creek citizen? A Yes, sir; a Creek citizen.

By Mr. McKellop:

- Q Were you ever a member of the Creek Council? A Yes, sir.
- Q What year? A That was the year when Legus Perryman was the chief then. You remember that.
- Q About how many years ago? A I can't tell, Mr. McKellop, how many years since that.
- Q Were you adopted as a citizen of the Creek Nation? A Yes, sir.
- Q What year was that? Well, that is a little too hard for me; I could not tell just how long it was. Roley McIntosh could give you a better understanding than I can.
- Q Were you adopted at the same time the Grayson's and the McGilbray's were adopted? A Yes, sir.
- Q Was that about in 1867? A I guess it was about that.
- Q How long was it after that time that you were a member of the Council? A I couldn't tell you exactly how long; but you can come pretty near closer guessing than I can; it was the same time you were in the Council, too.
- Q That was about ten or twelve years ago? A Yes, about that.
- Q Where was Katy Grayson living before the war? A All of us was in the Choctaw Nation then.
- Q How long had Katy Grayson lived in the Choctaw Nation before the war commenced? A Well, I can't remember that. I am an uneducated man, and if I was, I could answer you all of your questions, but I can't do it.
- Q Well, just a few years time or a good many years? A Well, I could not tell you that.
- Q Was she living in the Choctaw Nation when the war commenced? A Yes, all of us were living in the Choctaw Nation when the war started.
- Q And where did you go when the war broke out? A We went down on the Red River.
- Q What state? A In the Choctaw Nation; we were there with a man by the name of George Jones.
- Q Didn't you leave the Choctaw Nation during the war? A Yes, sir.
- Q Where did you go? A Didn't I tell you I went down on Red River.
- Q Were you in Texas any time during the war? A No, sir; I just went there to get provisions and come back.
- Q Were you in the army? A No, sir; used to be a teamster in the army, though, the time they were following old Gouge, and drove the team clear up on Red Fork, where they had that last fight.
- Q Where did you go after the war, when peace was declared? A We staid over there in the Choctaw Nation, or until we were adopted, and then we come back.
- Q So after the war you came back to the Choctaw Nation and lived there until after you were adopted? A I came back to the Choctaw Nation and staid at my old place, you know, and my boss told me I could not stay there, I had to go over in the Creek Nation, so I just took my family and came on this side; he told me I could not be a Choctaw because he was a Creek.
- Q You say that was after you were adopted? A No, it was before we were adopted. I didn't know whether to go back or come over on the other side.
- Q Were you at Okmulgee in 1867 when a number of Freedmen were adopted by the Council? A If I were there?

- Q Were at Okmulgee at that time? A No, sir; I don't think I were.
- Q You were not at Okmulgee? A No, sir.
- Q Do you know how many persons were adopted at the time you were? They adopted all of Wat Grayson's and Katy Grayson's, and then from that to McGilbray's,--all of them were adopted; all of of the Grayson darkies were adopted, and Katy Grayson's.
- Q How do you know that they were all adopted? I see it on this page; that is the only reason I know; I know the names when they call them on here.
- Q Aren't there several persons of the same names in the Creek Nation? A I don't know.
- Q Do you know Robert Grayson, a member of the House of Kings? A Yes, sir.
- Q Do you know Robert Grayson, a member of the House of Warriors? A I know one Robert Grayson who was of the House of Kings I was in--no, he was of the House of Warriors then.
- Q My questions is, Do you know Robert Grayson, who is now a member of the House of Warriors? A No, sir; I don't.
- Q A preacher? A Yes, I know who you mean now.
- Q Do you know Robert Grayson, living out here on Pecan Creek? A No, sir; I don't know him.
- Q Do you know a man by the name of Joe Huttong living down near Eufaula? A Yes, sir.
- Q Do you know that he has been called Joe Grayson? A Not as I know of.
- Q All that you know about this Joe Grayson being adopted is what you see in the law book? A Well, you know he was the old Katy Grayson's darky, of course, and I know that is the one.
- Q Is that the only one you know is adopted? A Well, no; of course they adopted all of Katy Grayson's, you know, and Wat Grayson's.
- Q You state that you were not at Okmulgee when these parties were adopted? A Yes, sir.
- Q And you could not state that he was adopted, not being there? A I know I was not there.
- Q Then how do you know that this Joe Grayson was adopted at that time if you were not there? A Of course I couldn't tell you, only we were adopted at the same time, Katy Grayson's darkies and all of us.
- Q Do you know that from what you have heard, or how do you know it? A No one told me I was; it was on the paper there.
- Q Is that the only thing that you go by? Of course, then, if I were, I was along with members to go in and find out.
- Q You state that Joe Grayson was adopted with the balance? A Yes, sir; I knows it was at the same time.
- Q Then you know that from what you have been told? A Nobody told me this.
- Q Then how did you find out? A Well, how do you suppose I found out I was adopted?
- Q Well, how did you find out you were adopted? A You are going too high for me, and I can't answer you any of your questions.
- Q Well, they brought you to witness here. A Well, I can't say as only just what I am telling you.
- Q You don't know whether this Joe Grayson was enrolled on the Dunn Roll, do you? A No, sir; I don't know that.
- Q And you were not there when he was adopted by the Council at Okmulgee? A No, sir; I told you once I was not there.
- Q You don't know whether, of your own knowledge, that Joe Grayson was adopted, do you? A Well, of course, I just told you what they tell me, and I see it on the book there, and I suppose we were all adopted at the same time. I couldn't swear, I was not there; couldn't do that.

By Mr. Hastain:

- Q You knew before you were a member of the Council that you were adopted, didn't you? A Yes, sir.
- Q Didn't you know that Joe Grayson was adopted too? A Yes, sir; of course, at the same time.
- Q After you were adopted, didn't somebody tell you? Well, it is--this is the way I came to find out. Of course there was a great dispute about the Grayson darkies, you know, and I didn't know what to do. They came around and said they adopted all of Kay Grayson's freedmen, and Watt Grayson's and the McGilbray's.
- Q Who said that? A Tom Adams was the one.
- Q Was he a member of the council? A Yes, sir; at that time.
- Q Was he a town king? A Yes, sir; a kind of town king.
- Q Did he tell you that you had all been adopted? A Yes, sir.

Oliver C. Hinkle, having been first duly sworn, upon his oath states that as stenographer to the Commission to the Five Civilized Tribes, he reported in full all of the proceedings in the above entitled cause on the 26th day of April, 1902, and that the foregoing is a full, true and correct transcript of his stenographic notes of said proceedings on said day.

on

Oliver C. Hinkle

Subscribed and sworn to before me this 28 day of April, 1902, at Muskogee, Indian Territory.

William J. Martin  
Notary Public.

Creek 92.

Department of the Interior,  
Commission to the Five Civilized Tribes,  
Muskogee, I. T., April 27, 1903.

In the matter of the application for the enrollment of  
JOE GRAYSON as a Creek Freedman.

TESTIMONY IN RE-HEARING.

This case was set for re-hearing on the 16th day of April,  
1903, and it is heard on this day by agreement of the parties  
in interest.

A p p e a r a n c e s.

E. Hastain, Attorney for Applicant.  
A. P. Murphy, Attorney for Creek Nation.

PARO BRUNER, being first duly sworn, and being examined,  
testified as follows in behalf of applicant:

BY COMMISSION: What is your name? A Paro Bruner.

Q How old are you? A Over seventy-five.

Q What is your post office address? A Holdenville.

Q You have heretofore testified in the matter of the application  
of Joe Grayson as a Creek Freedman? A Yes sir.

BY MR. HASTAIN: You have known Joe Grayson, the applicant, for a  
number of years, have you not? A Yes sir.

Q When did you first know him?

A I am hardly able to say. It is somewhere about 1850. Of course  
I was a young man, and he was aboy.

Q State whether or not he was the slave of Katie Grayson prior to  
the war? A Yes sir.

Q State whether or not he was ever sold out of the Nation.

A Well, when I knew Joe, he was a little boy, the servant of Katie  
Grayson, she bought him from a Choctaw woman. Her name was Nancy  
Brashear, and she owned him all his life until the old lady died.  
He never was sold to my knowing or heard of. This Grayson didn't  
leave the Territory during the war. They just moved off in the  
Choctaw Nation and come back to the Muskogee Nation. This Katie  
Grayson belonged to the Hillabee Canadian, and they always was under  
the laws and usage of the Muskogee Nation and drew money. I was the  
blacksmith, and I worked and fixed up the plows and so on, up to the  
late war.

Q When did they return from the Choctaw Nation? A 1865.

Q Has Joe Grayson been here since that time?

A Since that time, to my knowing.

Q When did you first become a member of Council, if you remember?

A '71. I was in before, but two years I was on the outside. '71  
I came in and took the oath, and have been knocking around the  
Council since off and on. I was out eight years, in from '71 up  
to now. I was ought eight years. Got beat twice. Never been beat  
since.

Q You stated in your testimony before that Joe Grayson, the appli-  
cant, had never appeared before the Council for admission to  
citizenship? A Yes sir, I suppose I did.

Q Now, you don't know, do you, what he may have done before he  
became a member of the Council? A I don't know what he may have  
done before I became a member of Council.

Q You simply know that he was not admitted since you have had connection with the Council? A Yes sir.

Q State whether or not he ever did anything, to your knowledge, that would deprive him of citizenship, under the treaty of 1866. A None. None whatever could I state.

Q You was not a member of Council in 1867, were you Mr. Bruner? A No sir.

Q If the Council admitted the applicant, Joe Grayson, in 1867, you were not present and knew nothing about it? A No sir, don't know anything about it/ never come around the Council House in 1867.

BY MR. MURPHY: This applicant, Joe Grayson, was also known by the name of Joe Chunta? A That is what they called him, a nickname.

Q Did you ever see him around the council making application for citizenship while you were there? A No sir, I never. My reason, I always looked at Joe Chunta this way - He was a Creek citizen and the whole Nation knewed it, that knew the Grayson family. I don't know whether Joe Chunta was before the Council or not. That is the way I had it in my mind, there was nothing about it, he was a Creek citizen.

Q Then there was a fellow by the name of Joe Hutton? A Yes sir. Q And this fellow on the Creek law book, that is Joe Hutton, isn't it? A I expect.

Q You testified that before? A Well, Joe Hutton, I have testified in the petition of Joe Hutton three times, once before the Colbert Commission, I was one of the Commissioners, and I got off the stand and took the floor as a witness.

Q This Joe Hutton is the Joe Grayson that is on the Dunn Roll, and on the 1893 law book, is he not? A He is on the North Fork roll. He is not on my roll. Can't tell you anything about it, he is not on my roll.

Q Was this man Joe Hutton known as Joe Grayson? He is the man that is on the Dunn Roll and on the 1893 law book, that you testified before, isn't he? A I think I did.

Q That is a fact, is it not? A For why. Joe Hutton has been testified to three times to my knowing.

Q And that is the reason you remember the case, they have been contesting him? A They have been contesting him, contested in 1895.

Q Then this Joe Hutton, or Joe Grayson, is the one that went before the Colbert Commission to be admitted to citizenship, and one of the reasons he did that was because the Creek Council contested a good many of the Creek colored citizens' rights. That is the reason he went before the Colbert Commission?

A Yes sir, but there was nothing said about this other Joe, never made any inquiry about him.

Q This Joe Chunta never was before Major Dunn to your knowing, was he? A He belonged to another town.

Q He was never before Major Dunn?

A Not to my knowing. I can't tell. I never bothered around Mr. Dunn much, never bothered around him.

Q When was the first time you saw Joe Grayson, or Joe Chunta, in the Creek Nation? A I believe you testified before you had never seen Joe Chunta since (peace) was declared?

A I don't remember when I saw Joe Chunta.

Q You don't know whether this Joe Grayson, known as Joe Chunta, is living or not, do you? A Well, if he is living right now I don't know, but I know at the time when they were enrolling Joe Chunta and all the other citizens, when they were contesting his rights, he was living.

Q Do you know Joe Grayson that is known as Joe Hutton? is living? A Yes sir.

Q And he is the same Joe Grayson that is on the Dunn Roll and admitted to citizenship? A Yes sir, he went before Major Dunn.



BY COMMISSION: To what town in the Creek Nation did this Joe Grayson or Joe Chunta claim to belong, or do you know?

A I don't know. He maybe took his mistress' town, and he may have taken a colored town, I am not able to say, but the Hillabee is the one he is in right now. And then there is the North Fork colored, and two towns -- and which of them he is liable to be in I am not able to say. The Hillabee has a good many colored, and so has the North Fork, and Hickory Ground has a good many.

BY MR. MURPHY: This man Joe Hutton, known as Joe Grayson, he is the man that claimed he had been enrolled among the Creeks inside the limit set apart by the 1866 treaty stipulation, and enrolled himself

A Yes sir.

Q His father was a Grayson, and his mother a Grayson?

A I don't remember what his mother was. His father was named Jim Grayson.

Q He lived near the Tallahassee Mission, near the little town of Sodom, didn't he? A That is what I testified in his behalf. As far as I know, Joe Chunta has nothing to bar him from the Creek rolls as a citizen, nothing.

BY COMMISSION: Do you know whether he has been generally recognized as a Creek citizen or not, this Joe Grayson, or Joe Chunta?

A Yes sir, as far as a Creek citizen, belonging to the Katie Grayson family, was recognized. I always did think that he was enrolled some place or another, and there is nothing to bar him. There wasn't but one thing to bar him, he would not have sense enough to contend for his rights, that would be the only thing to my knowing.

Q Is the Joe Grayson whose name appears upon the Creek law book as having been admitted to citizenship by the Creek Council, is he the man that is known as Joe Chunta, or as Joe Hutton? That is the man that was admitted to Citizenship by the Council. You know about one of these men. Is that man that was admitted by Council, is that Joe Chunta or Joe Hutton?

A Well, the truth is the light, and the light is the way. Joe Chunta never was, I suppose, called before the Council, and Joe Hutton was called before the Council. Joe Chunta was enrolled, there was nothing at all to bar him. He never was transferred from the Creek, and he has always been living just like a full blood citizen. He didn't belong to my town, and outside of my town I can't vouch for that.

BY MR. MURPHY: What is your town? A Canadian colored.

Q What town, to the best of your knowledge, did Joe Hutton, known as Joe Grayson, belong to in 1867? A You could prove that yourself, just go to the town roll and see.

Q I am asking you, to the best of your knowledge?

A You oughtn't to try to strain an old man. To the best of my knowledge. He may have come up--he may have been on the Hillabee, or he may have been on the North Fork, and he may have been on the Hillabee Ketchopataka. I wouldn't testify to none of those towns.

Q You don't know? A According to my thinking --

Q I would like for you to tell, to the best of your knowledge, what he might have belonged to, Joe Hutton, known as Joe Grayson, in 1867

A You can't get it from the old man. I didn't know what town he belonged to. I wasn't around the Council.

By Mr. Hastain: During what part of the year does Council meet?

A The Council meets in October. Then sometimes it meets in called Council, June or May, and does a great many business at these called Councils.

Q That is special sessions? A Special sessions.

Q Has that been the practice as far back as you can remember?

A Yes sir, that is the custom. When the Chief called a special session, anything to bring up, he carries it there.

Q When you say that this Joe Grayson on the lawbook is the Joe Hutton referred to, you are simply expressing your opinion, are you not? You don't know, as a matter of fact, do you Uncle Pare, to be positive about it, that he is Joe Hutton?

A No, I am not really positive. When I say Joe Hutton was there at the Council, it was in 1895 before the Gilbert Commission. I was one of the Commissioners.

Q That is the time you refer to? A Yes sir, and I left the Commission and took the floor and spoke as a witness in his behalf. In July, 1895, what day in July I don't remember. Joe Hutton was there, and this other - I don't remember seeing him around. In 1895 I saw him, he was there.

Q When did you -- That is the first time you saw him there?

A Yes sir, the first time I saw him there to recognize him.

BY MR. MURPHY: When the Council would meet in extra session they would admit citizens too? A Yes sir.

Q They have met sometimes in March? A Yes sir, sometimes in March. They meet so many different times, in extra session, I am not able to tell the different names, they did so many.

BY COMMISSIONER: When is the last time that you saw this Joe Grayson or Joe Chunta, about how long ago?

A It is hard for me to say, Commissioner. It has been a good while since I have been around over Mufaula town.

Q Were you well acquainted with him? A Yes sir.

Q Did he attend to his own business? A Joe Chunta?

A Yes. A Yes sir, as far as my knowing him. Civil kind of a man, but he has not got a real sound mind, he really needs a guardian.

Q He had sufficient mind, had he, to attend to his own affairs?

A I doubt it.

MR. MURPHY: How was Joe Hutton, how was his mind?

A Good. Just as good as mine.

Q He would care for and attend to his own business, and look after his own business all the time? A Yes sir. He had to come, Joe Hutton. They called for him, sent for him.

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Wm. Hutchinson, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he correctly reported the testimony and proceedings in this case, and that the foregoing is a true and complete transcript of his stenographic notes thereof.

Wm Hutchinson

Subscribed and sworn to before me this 28th day of April, 1903.

Edward Merrick  
Notary Public.



DEPARTMENT OF THE INTERIOR.

In the matter of the application of Joe Grayson, for enrollment as a citizen of the Creek Nation.

To the Honorable Secretary of the Interior,  
Washington, D.C.

Sir:

I would respectfully represent that I am a citizen by blood of the Creek Nation; that I made application to the Dawes Commission, under power of attorney, for the enrollment as a citizen of the Creek Nation, of Joe Grayson who was a slave of my grandmother, Katie Grayson, a citizen by blood of the Creek Nation. That in 1866, Joe Grayson and several other Freedmen returned with me to the Creek Nation. That Joe Grayson, who is kind of an imbecile, neglected to have himself enrolled in the town rolls, and by an act of the Creek Council he was afterwards adopted, and his name now appears upon the Creek Law Book among the names of other Freedmen who belonged to my grand mother. My brother, G.W. Grayson, and I gave our testimony before the Dawes Commission, stating the facts as above, and thought there would be no question about his enrollment.

Afterwards on the 17th day of May, 1901, the Dawes Commission, without my knowledge, took the testimony of one, Paro Bruner, and on the strength of his testimony, decided that Joe Grayson was not a citizen of the Creek Nation. Had I known that the Commission had heard the testimony of Paro Bruner, I could have introduced testimony to rebut said statement before the case was forwarded to the Honorable Secretary of the Interior for his approval. I do not think that the Commission should have taken the testimony as it did, and decide the case, and forwarded it for approval, without letting us know that additional testimony had been taken. I really think this

18281  
-2-  
see an oversight on the part of the Commission, because we knew nothing about the testimony of Faro Bruner until a few days ago which was some time after the case had been referred to the Honorable Secretary of the Interior.

I submit that we ought to have been permitted by the Honorable Dawes Commission to have cross examined Faro Bruner, and submit testimony in rebuttal.

I also enclose a copy of the testimony of Joe Hutton, taken before the Creek Citizenship Commission in 1896, which said record is now in the possession of the Dawes Commission. This testimony in itself contradicts the testimony of Faro Bruner taken in this application.

Honorable Holey McIntosh and other members of the Creek delegation who are now in Washington, and who are acquainted with the facts in this case, will call upon you and state to you the facts concerning this matter.

I trust that you will give this matter your careful attention, and I am sure that you will find that Joe Grayson should be enrolled as a citizen of the Creek Nation.

Very respectfully submitted.

Through the Commissioner  
of Indian Affairs.....

Confidential  
3/10.1902

Sam. Grayson

July 18, 1901.

(Copy)

Nancy Hutton was a woman before the war. Nancy Hutton was a recognized citizen of the Creek Nation. She was a woman of Hillabee town in Alabama, and always told me that she was a woman. She did not move to the country at the time the balance of the Creeks emigrated. When the Creeks emigrated from Alabama Jim Hutton the husband of Nancy Hutton didn't come to the nation, but went to Texas on account of having committed crime in the old country.

While we went in Texas Nancy Hutton came to the Creek Nation and drew her annuity as a citizen of the Nation. Jim Hutton her husband was afraid to come into the Creek Nation and would stop at Watt Graysons in the Choctaw Nation, and Nancy Hutton and myself would come over and transact her business.

After the death of Jim Hutton we lived in Texas until the war ended. I knew nothing about the treaty requiring former slaves of the Creek Indians to come back to the Nation, within a certain time but Nancy Hutton told me to come back and she would follow as soon as she could dispose of her lands in Texas. I came to Dick Grayson in the Choctaw Nation who was my brother and Watt Grayson sent for me to come to his house and when I went he told me that I had return just in the right time. He told me to go down to the old agency and see my step father Ned Doyle and Ooon Creek Harry who were town chiefs at that time, and get them to go before the agent with me and have my name placed on the rolls. I was enrolled as Joe Grayson and after I had been enrolled, the agent asked me if I had a family. I told him I had, but my wife was not a slave of a Creek citizen they wouldn't be allowed citizenship.

The town chief said that as she was a state raised woman she couldn't be enrolled. The agent told the town chief that if he would help me some time and the town chief said I know that but these people will not have it that way. My fathers name was Jim Grayson but the Indians called him Jim Chothe. Watt Grayson told me that the time for former slaves to return would be out the following June. My mistress' maiden name was Nancy Moore. Did you understand that Watt Grayson mean when he told you you were just in time? A I didn't at the time but found out by questioning him. Nancy Hutton never owned any improvements in the Creek Nation until after the war.

Have you ever made application to the Creek Council of the Nation for citizenship? When I came back to this country I was under the impression that I was coming back to my own country, and had no idea that question would ever be raised as to my citizenship.

Was there not a question raised when you came to draw your per capita \$29.00? Only as to the name of Joe Grayson and Joe Hutton. The name Joe Grayson appears in the law books do you know whether it means you or not? My name is Joe Grayson and I can't say whether that particular name means me or not.

I came to Watt Grayson or Near Watt Graysons to my brothers about 3 weeks before after Christmas.

July 11, 1901.

Nancy Hutton was my owner before the war. Nancy Hutton was a recognized citizen of the Creek Nation. She was a woman of Hilla-bee town in Alabama, and always told me that she was my owner. She did not move to the country at the time the balance of the Creeks emigrated. When the Creeks emigrated from Alabama, Jim Hutton, the husband of Nancy Hutton did not come to the Nation, but went to Texas on account of having committed crime in the old country.

While we were in Texas, Nancy Hutton came to the Creek Nation and drew her annuity as a citizen of the Nation. Jim Hutton her husband was afraid to come into the Creek Nation and would stop at Watt Graysons in the Choctaw Nation, and Nancy Hutton and myself would come over and transact our business.

After the death of Jim Hutton we lived in Texas until the war was ended. I knew nothing about the treaty requiring the former slaves of the Creek citizens to come back to the Nation within a certain time, but Nancy Hutton told me to come back and she would follow as soon as she could dispose of her land in Texas. I came to Dick Graysons in the Choctaw Nation, who was my brother and Watt Grayson sent for me to come to his house and when I went he told me that I had returned just in the right time. He told me to go down to the old agency and see my step father Ned Doyle and Coon Creek Harry who were town chiefs at that time and get them to go before the agent with me and have my name placed on the rolls. I was enrolled as Joe Grayson and after I had been enrolled the agent asked me if I had a family. I told him I had, but my wife was not a slave of a Creek citizen they wouldn't be allowed citizenship.

The town chief said that as she was a state raised woman she could not be enrolled. The agent told the town chief that if he would help him some time and the town chief said I know that but these people will not have it that way. My father's name was Jim Grayson, but the Indians called him Jim Chotke. Watt Grayson told me that the time for former slaves to return would be out the following June. My mistress' maiden name was Nancy Moore. Did you understand what Watt Grayson mean when he told you you were just in time? I didn't at the time but found out by questioning him. Nancy Hutton never owned any improvements in the Creek Nation until after the war. Have you ever made application to the Creek council of the nation for citizenship? When I came back to this country I was under the impression that I was coming back to my own country and had no idea that question would ever be raised as to my citizenship.

Was there not a question raised when you came to draw your percapita \$23.00? Only as to the name Joe Grayson and Joe Hutton. The name Joe Grayson appears in the law books. Do you know whether it means you or not? My name is Joe Grayson and I can't say whether that particular name means me or not.

I came to Watt Grayson or near Watt Graysons to my brothers about three weeks after Christmas.

L.R.S.

C O P Y

J.P.

D.C.No.2968-1902.

P.

DEPARTMENT OF THE INTERIOR.

1213-1902.  
I.T.D.

Washington,

(No date)

Commission to the Five Civilized Tribes.

Muskogee, I. T.

Gentlemen:

The Department has considered the matter of the application of Joe Grayson, case 92, for enrollment as a citizen of the Creek Nation - as a Creek freedman.

It appears that the applicant has not been recognized as a citizen of the Creek Nation by the tribal authorities, and that his name is not upon the roll of Creek freedmen made by J. W. Dunn, referred to in the act of June 26, 1898, and his name is not found upon any of the authenticated rolls of the Creek nation. He was born before the Dunn roll was made.

The Commissioner of Indian Affairs in his letter of February 13, 1902, recommends that your decision be approved. A copy of his letter was transmitted to you this day in the case of Frank London et al.

Finding no reason to disturb your decision it is affirmed.

Respectfully,

Theo. Ryan,

Acting Secretary

EMD.

(COPY)

Muskogee, Indian Territory, January 18, 1902.

The Honorable,

The Secretary of the Interior.

Sir:

There is herewith transmitted the record of proceedings in the matter of the application of Joe Grayson for the enrollment of himself as a citizen of the Creek Nation, including the decision of the Commission, dated May 18, 1901, denying said application.

Respectfully,

T.B.Needles.

Commissioner in charge.

1 enclosure  
Creek 92.

Through the Commissioner  
of Indian Affairs.



Copy.

Refer in reply to  
the following:

Land.

15,481-1902.

15,709-1902.

DEPARTMENT OF THE INTERIOR,

Office of Indian Affairs,

WASHINGTON, March 19, 1902.

The Honorable

The Secretary of the Interior.

Sir:

On February 20, 1902, the Department rendered a decision in the matter of the application of Joe Grayson for citizenship in the Creek Nation.

I now have the honor to forward a communication from Sam Grayson, dated Eufaula, I.T., March 10, 1902, and one from E. Hastain, addressed to Hon. Roley McIntosh, Washington, D.C., dated March 11, 1902.

It appears that Mr. Grayson and Mr. Hastain desire a review of the Department's decision in said case.

Very respectfully,  
Your obedient servant,

W. A. Jones,

Commissioner.

(W.C.V.) P.



L.R.S.

C O P Y .  
17422.

J.P.  
F.

D. C. No. 49864-1902

I.T.D.1212 & 1722-1902.

DEPARTMENT OF THE INTERIOR.

Washington, March 22, 1902.

Commission to the Five Civilized Tribes,

Muskogee, I. T.

Gentlemen:

February 20, 1902, the Department affirmed your decision rejecting the application of Joe Grayson, case No. 92, for enrollment as a Creek freedman.

You found that the party had not been admitted to citizenship . His name could not, you stated, be found on the Creek freedman roll made by J. W. Dunn, mentioned in the act of June 28, 1898 (30 Stats, 495). Your decision, apparently, was based mainly on the testimony of Paro Bruner.

It appears however, that on the Dunn roll the name of Joseph Grayson is found at No. 272, and that on page 103 of the 1898 Creek Law book the name of Joe Grayson appears among those persons who were admitted to citizenship in the Creek Nation. The testimony of Bruner positively asserts that the Joseph or Joe Grayson on the Dunn roll was one Joe Hutton who sometimes went by the name of Joe Grayson. The testimony given previous to that of Bruner, while intended to throw light upon the identity of these two persons, is somewhat unsatisfactory.

On March 19, 1902, the Acting Commissioner of Indian Affairs forwarded two communications in regard to this case - one from Sam Grayson, dated Musaula, I. T., March 10, 1902, and one from E. Nastain, dated

Muskegee, March 11, 1902, and addressed to Riley McIntosh, - and stated that it appeared that a review of said departmental decision was desired.

The parties transmitted what appears to be a copy of testimony given by Joe Hutton before the Colbert Commission "on July 11, 1901," (apparently a mistake as to date), which "said record is now in the possession of the Daves Commission", and contradicts the testimony of Bruner, it is alleged. It is claimed that the testimony of Bruner was taken without the knowledge of the representative of the applicant (the applicant being "a kind of an imbecile"); that if an opportunity had been given, testimony in rebuttal could have been furnished.

In order that the claimant may have no cause of complaint, and that he may have further opportunity to furnish, in the usual manner, evidence to show that he is the person whose name appears on the Dunn roll and Creek law book, you will fix a date and place, by notice to him and his representative and the attorneys of the nation, at which he and his witnesses may be heard, after which you will report to the Department with such recommendation as you may see proper.

The papers received with the Acting Commissioner's letter of March 19, 1902, and a copy of said letter are herewith enclosed.

Respectfully,

Thos Ryan,

Acting Secretary,

END.

6 inclosures.

(Note. 4 enclosures recd. "Holly".)

C O P Y .

COMMISSIONERS  
HENRY L. DAWES  
TAMM BIXBY  
THOMAS B. NEEDLES  
C. R. BRECKINRIDGE

ALLISON L. AYLESWORTH  
SECRETARY.

DEPARTMENT OF THE INTERIOR  
COMMISSION TO THE FIVE CIVILIZED TRIBES.

REFER TO THE FOLLOWING

ADDRESS ONLY THE  
COMMISSION TO THE FIVE CIVILIZED TRIBES

Muskogee, Indian Territory, April 16, 1902.

Joe Grayson,

Care of Sam Grayson,

Bufaula, Indian Territory.

Dear Sir:

You are hereby notified that the Secretary of the Interior by letter ( I. T. D. 1213-1902) received at the office of the Commission March 3, 1902, affirmed the decision of the Commission dated May 16, 1901, denying the application of Joe Grayson for enrollment as a citizen of the Creek Nation.

Subsequently, under date of March 22, 1902, the Department instructed the Commission as follows:

"In order that the claimant may have no cause of complaint, and that he may have further opportunity to furnish, in the usual manner, evidence to show that he is the person whose name appears on the Dunn roll and Creek Law Book, you will fix a date and place, by notice to him and his representative and the attorney of the nation, at which he and his witnesses may be heard, after which you will report to the Department with such recommendation as you may see proper."

You are accordingly notified that on Saturday, April 26th, 1902, the Commission, at its office in Muskogee, Indian Territory, will hear such testimony as may be offered by or on behalf of the applicant, Joe Grayson, and the Creek Nation concerning the identity of the said Joe Grayson as

2-J.S.

the person whose name appears on the Dunt roll and the Greek Law Book

Yours truly,

T.B.Needles

Commissioner in Charge .

Register.

C O P Y

COMMISSIONERS  
HENRY L. DAWES.  
TAMM BIXBY.  
THOMAS B. NEEDLES.  
C. R. BRECKINRIDGE.

ALLISON L. AYLESWORTH.  
SECRETARY.

DEPARTMENT OF THE INTERIOR.  
COMMISSION TO THE FIVE CIVILIZED TRIBES.

REFER IN REPLY TO THE FOLLOWING

ADDRESS ONLY THE  
COMMISSION TO THE FIVE CIVILIZED TRIBES.

Muskogee, Indian Territory, April 10, 1902.

M. Nastain, Esq.,

Attorney for Joe Grayson,

Muskogee, Indian Territory.

Dear Sir:

You are hereby notified that the Secretary of the Interior by letter (I.T.D. 1212-1902) received at the office of the Commission March 2, 1902, affirmed the decision of the Commission dated May 18, 1901, denying the application of Joe Grayson for enrollment as a citizen of the Creek Nation.

Subsequently, under date of March 22, 1902, the Department instructed the Commission as follows:

In order that the claimant may have no cause of complaint, and that he may have further opportunity to furnish, in the usual manner, evidence to show that he is the person whose name appears on the Dismal Roll and Creek Law Book, you will fix a date and place, by notice to him and his representative and the attorney of the nation, at which he and his witnesses may be heard, after which you will report to the Department with such recommendation as you may see proper.

You are accordingly notified that on Saturday, April 26th, 1902, the Commission, at its office in Muskogee, Indian Territory, will hear such testimony as may be offered by or on behalf of the applicant, Joe Grayson, and the Creek Nation concerning the identity of the said Joe Grayson as the person whose name appears on the Dismal Roll and the Creek Law Book.

Yours truly,

T.B. Needles.

Register,

Commissioner in Charge.

C O P Y .

COMMISSIONERS  
HENRY L. DAWES  
TAMM BIXBY,  
THOMAS B. NEEDLES,  
C. R. BRACKINRIDGE

ALLISON L. AYLESWORTH,  
SECRETARY.

DEPARTMENT OF THE INTERIOR.  
COMMISSION TO THE FIVE CIVILIZED TRIBES.

REFER IN REPLY TO THE FOLLOWING

ADDRESS ONLY THE  
COMMISSION TO THE FIVE CIVILIZED TRIBES.

Muskogee, Indian Territory, April 10, 1902.

A. F. McKelley, Esq.,

W. C. Reed, Esq.,

Attorneys for the Creek Nation,

Muskogee, Indian Territory.

Gentlemen:

You are hereby notified that the Secretary of the Interior by letter (I.T.D. 1813-1902) received at the office of the Commission March 2, 1902, affirmed the decision of the Commission dated May 18, 1901, denying the application of Joe Grayson for enrollment as a citizen of the Creek Nation.

Subsequently, under date of March 22, 1902, the Department instructed the Commission as follows:

"In order that the claimant may have no cause of complaint, and that he may have further opportunity to furnish, in the usual manner, evidence to show that he is the person whose name appears on the Dunn Roll and Creek Law Book, you will fix a date and place, by notice to him and his representative and the attorney of the nation, at which he and his witnesses may be heard, after which you will report to the Department with such recommendation as you may see proper."

You are accordingly notified that on Saturday, April 26th, 1902, the Commission, at its office in Muskogee, Indian Territory, will hear such testimony as may be offered by or on behalf of the applicant, Joe Grayson, and the Creek Nation concerning the identity of the said Joe Grayson as the person whose name appears on the Dunn Roll and the Creek Law Book.

T.B.Needles

Yours truly,

Register.

Commissioner in Charge.

C O P Y.

48422.

DEPARTMENT OF THE INTERIOR.

WASHINGTON.

HAF.

ITD.1722-1902.

August 13, 1902.

LRS.

Commission to the Five Civilized Tribes,  
Muskogee, I. T.

Gentlemen:

Referring to departmental letter of March 22, 1902,  
in regard to the application of Joe Grayson for enrollment as  
a Creek freedman, Case No. 92, you are requested to make an  
early report in the matter.

Respectfully,

THOS. RYAN.

Acting Secretary.

DeL.



CONFIDENTIAL

Mailbag, Ind. Ter., August 20, 1902.

The Honorable,

The Secretary of the Interior,  
Washington, D. C.

Sir:

Replying to departmental letter of the 15th instant, No. 48480, in the matter of the application of Joe Grayson for enrollment as a Creek freedman, Case No. 92, the Commission has the honor to report that, complying with instructions of the Department, of March 22, 1902, additional testimony was heard, and same is now before the Commission for consideration and will be submitted to the Department at an early date.

Respectfully,

TAMM HUNT.

Acting Chairman.

Creek-92.

CCM.

C O P Y.

Refer in reply to the following:

Land

51959-1902.

# Department of the Interior,

OFFICE OF INDIAN AFFAIRS.

WASHINGTON, Sept. 5, 1902.

The Honorable

The Secretary of the Interior.

Sir:

I have the honor to transmit herewith a report made August 28, 1902, by the Commission to the Five Civilized Tribes, acknowledging receipt of Department letter of August 13, 1902 in the matter of the application of Joe Grayson for enrollment as a Creek freedman.

The Commission states that additional testimony has been taken, and the case will be submitted at an early date.

Very respectfully,

Your obedient servant,

A. C. Tonner,

Acting Commissioner.

WCV  
D

2 inclosures.

C o p y

Muskogee, Indian Territory, December 31, 1902.

The Honorable,

The Secretary of the Interior.

Sir:

The Department under date of March 22nd, 1902 (I. T. D. 1213 and 1722 - 1902), directed that Joe Grayson, an applicant for enrollment as a citizen of the Creek Nation, be given "further opportunity to furnish evidence to show that he is the person whose name appears on the Dunn Roll and the Creek Law Book."

The Commission has the honor to report that in accordance with said instructions, and after notices to all parties, further testimony relative to the identity of the said Joe Grayson, as the person whose name appears on the Dunn Roll and the Creek Law Book, was taken April 26th, 1902.

The Commission believes that the testimony offered fails to identify the said Joe Grayson as the person whose name appears on the Dunn Roll and the Creek Law Book, and respectfully recommends that the original decision of the Commission, rendered May 18th, 1901, be approved.

There is herewith returned for Departmental consideration copies of the correspondence, notices to the parties and the transcript of the testimony taken April 25th, 1902.

Respectfully,

{signed}

James R. Rusk

Acting Chairman.

{signed}

T. B. Needles

Commissioner.

{signed}

C. R. Beckwith

Commissioner.

Through the

Commissioner of Indian Affairs.

Creek #92.

1 enclosure.

DEPARTMENT OF THE INTERIOR.

FILE

Washington, February 25, 1903.

C.S. 1722-1902.  
3000

L.S. 2.

Commission to the Five Civilized Tribes,  
Muskogee, Indian Territory.

Gentlemen:

Referring to your letter of August 28, 1902, informing the Department that early action would be taken in the matter of the application of Joe Grayson for enrollment as a Creek Freedman, case No. 92, an early report is requested in the matter.

Respectfully,

(Signed) THOS. NEAN,

Acting Secretary.

8878  
Creek En. 92.

Muskogee, Indian Territory, March 7, 1903.

The Honorable,

The Secretary of the Interior.

Sir:

Receipt is acknowledged of Departmental letter of February 26, 1903 (I.T.D.1722 & 5558-1902), requesting an early report in the matter of the application of Joe Grayson as a Creek Freedman, case number 92.

December 31, 1902, the Commission reported its action in the case under Departmental letter of March 22, 1902 (I.T.D.1213 & 1722-1902), and transmitted for consideration copies of the correspondence, notices to the parties, and transcript of the testimony in the case, taken April 26, 1902.

The Commission has the honor to enclose herewith a copy of the said report, and copies of the papers transmitted therewith.

Respectfully,

Through the

Commissioner of Indian Affairs.

Chairman.

Enc.

ENC 51.

Refer in reply to the following

Land.  
3336-1903.

## Department of the Interior,

OFFICE OF INDIAN AFFAIRS,

WASHINGTON,

March 12, 1903.

The Honorable,

The Secretary of the Interior.

Sir:

Referring to Department letter of March 22, 1902, (I. T. D. 1213 and 1722), there is enclosed herewith a report from the Commission to the Five Civilized Tribes, dated December 31, 1902, forwarding, for the Department's consideration, the record relative to the application of Joe Grayson, for enrollment as a citizen of the Creek Nation.

March 22 last the Department instructed the Commission to give the applicant further opportunity to furnish evidence to show that he is the person whose name now appears on the Dunn roll and the Creek law book. April 26, 1902, additional testimony was taken, and the Commission in its report reaches the conclusion that the testimony is not sufficient to warrant the identification of Joe Grayson, the applicant, as the person whose name appears on the Dunn roll and the Creek law book, and it recommends the approval of its original decision, rendered May 18, 1901, adverse to the applicant.



The record in the case is unsatisfactory and was not sufficient to warrant the identification of the applicant as the Joe Grayson whose name appears on the Dunn roll and in the laws of the Creek Nation.

From the record and the testimony it appears that there were two Creek Freedmen known by the name of "Joe Grayson", - this applicant and Joe Hutton. The record in the case was originally forwarded to the Department by this office on February 15, 1902, and the approval of the Commission's decision was recommended. February 20, 1902, (I.T.D. 2968), the Department approved the Commission's decision and, as above stated, the Commission was afterwards instructed to give the applicant further opportunity to be heard. A copy of the testimony of Joe Hutton, taken before the Commission in 1896 was forwarded by Samuel Grayson with his communication which was referred to the Commission by the Department on March 22, 1902, shows that Nancy Hutton was the owner of Joe Hutton prior to the war; that after the war Dick Grayson, who was a brother of Joe Hutton, advised him to go down "to the old agency, see his step-father, Ned Doyle, and Coon Creek Harry, who were town chiefs at that time, and request them to place his name on the rolls of the Creek

"Nation". In this testimony the affiant stated- "I was enrolled as Joe Grayson, and after I had been enrolled the agent asked me if I had a family. I told him I had, but my wife was not a slave of a Creek citizen they would'nt be allowed citizenship. The town chief said that as she was a state raised woman she could not be enrolled." He states that his father was Jim Grayson, and that Nancy Hutton's maiden name was Nancy Moore. In reply to a question as to whether he made application to the Creek Council for citizenship, he stated that when he came back to the Indian Territory he was under the impression that he was coming back to his own country, and that he had no idea that his citizenship would ever be questioned. In reply to a question as to whether he is the Joe Grayson whose name appears in the laws of the Creek Nation, he answered that his name is Joe Grayson, and that he could not say whether the name appearing in said laws referred to him.

The testimony taken April 26 last, that of Roley McIntosh, shows that Joe Grayson, the applicant, among others, prior to the war belonged to Katy Grayson; that after the close of the war several attempts were made by the Creek Council to adopt the slaves of Katy Grayson,

and that the Council did finally adopt them at the time that Roley McIntosh was a member thereof. In reply to a question as to whether Joe Grayson, the applicant, is the Joe Grayson who was adopted by the Creek Council, the affiant stated- "I cannot state positively whether "this is the same person who was adopted at that time, "but there were others who were adopted at the same time "who say that this Joe Grayson is the same person." He further testified that it had always been his understanding that the applicant is the Joe Grayson who was adopted by the Creek Council in 1867.

Dick Grayson, on April 26, 1902, testified that he was acquainted with the Joe Grayson who formerly belonged to Katy Grayson; that he remembered when the Creek Council adopted Joe Grayson and others who formerly belonged to Katy Grayson, and that this applicant is the Joe Grayson who was adopted by the Creek Council. In reply to a question as to whether all he knew about Joe Grayson being adopted by the Creek Council was what the laws of the Creek Nation show, he replied: "Well, you know he was "the old Katy Grayson's ducky, of course, and I know that "is one."

From the record and the additional testimony it appears

that there are probably two Creek Freedmen known by the name of Joe Grayson, - this applicant, and Joe Hutton, who was formerly a slave of Nancy Hutton. The laws of the Creek Nation, (1893 edition, p. 103), show that Joe Grayson, among others, was adopted by the National Council of the Creek Nation in 1867.

From the record in the case, as it now appears, the office is of the opinion that the Joe Grayson whose name appears on the Dunn roll, and the one whose name appears in the Creek laws, are not identical, and that Joe Grayson, the applicant, was adopted by the Creek Council. Although the Commission reaches the conclusion that the additional evidence is not sufficient to warrant the enrollment of Joe Grayson, all of the witnesses who appeared before the Commission on April 26, 1902, swore that Joe Grayson, the applicant, is the Joe Grayson who was adopted by the Creek Council in 1867. Their testimony is undisputed, and the office believes that it is sufficient to identify the applicant and warrant his enrollment. It therefore respectfully recommends that the Department recall its letter of February 20, 1902, approving the Commission's decision of May 18, 1901, adverse to the applicant,

-4-

and that the Commission be instructed to enroll the applicant as a citizen of the Greek Nation.

Very respectfully,

Commissioner.

CAV-8.

Copy.

Refer in reply to  
the following:

Land.  
16427-1903.

DEPARTMENT OF THE INTERIOR,

Office of Indian Affairs,

WASHINGTON, March 17, 1903.

The Honorable,

The Secretary of the Interior.

Sir:

Referring to Department letter of February 26, 1903, (ITD 1722 and 5558), there is enclosed herewith report dated March 7, 1903, from the present Chairman of the Commission to the Five Civilized Tribes, forwarding a copy of the Commission's report of December 31, 1902, relative to the application of Joe Grayson, for enrollment as a Creek Freedman.

The record in the Joe Grayson case was forwarded to the Department by the office on March 12, 1903.

Very respectfully,

Acting Commissioner.

GAW-O.

Copy.

J.P.

DEPARTMENT OF THE INTERIOR.  
WASHINGTON.

FHE

I.T.D.2746-1903.

March 18, 1903.

Commission to the Five Civilized Tribes,  
Muskogee, Indian Territory.

Gentlemen:

May 18, 1901, you rejected the application of Joe Grayson, for enrollment as a citizen of the Creek Nation, as it appeared from the testimony submitted that he had not been recognized as a citizen of said Nation or admitted as such, and that his name could not be found upon the roll of the Creek freedmen made by Dunn under authority of the United States, or upon any authenticated roll of the Creek Nation in your possession.

This decision was affirmed by the Department, but on March 22, 1902, the applicant was given further opportunity to furnish evidence to show that he is the person whose name appears upon the Dunn roll, and the Creek law book (see McKellop's Digest, page 103).

On December 31, 1902, you stated that further testimony relative to the identity of the applicant was taken April 26, 1902; that you believe that the testimony offered



fails to identify the applicant as the person whose name appears upon the Dunn roll and the Creek law book, and you recommend that the original decision of the Commission be approved.

Reporting in the matter March 12, 1903, the Acting Commissioner of Indian Affairs states that in his opinion the Joe Grayson whose name appears on the Dunn roll and the one whose name appears in the Creek Laws, are not identical, and that Joe Grayson, the applicant, was admitted by the Creek Council in 1867; that although the Commission reaches the conclusion that the additional evidence is not sufficient to warrant the enrollment of the applicant, all of the witnesses who appeared April 26, 1902, swore that Joe Grayson, the applicant, is the Joe Grayson who was adopted in 1867; that their testimony is undisputed and that it is sufficient to identify the applicant and warrant his enrollment, and he recommends that the Department recall its letter of February 20, 1902, approving the decision of the Commission, adverse to the applicant, and that you be instructed to enroll the applicant as a citizen of the Creek Nation.

7 The object in granting the rehearing was to afford the applicant an opportunity to show that he is the "Joe Grayson" admitted to citizenship in 1867. It was testified positively in the first hearing by Pare Bruner, who knew the present applicant well, that Joe Grayson on the law books is not the applicant, but one Joe Hutton, who was admitted as Joe Grayson (his father's name being Grayson); that Hutton applied to the Creek Council as Joe Grayson and that he is the same Joe Hutton whose name is found upon the Dunn roll. When asked if it was possible that the Joe Grayson on the law book is the applicant, who formerly belonged to Katie Grayson, he stated that he had "no room to say it is for why I have been around the council and attended a session before '75 and I never did see the one Joe Chunta (applicant) around here. I never did see him around here in any ways asking for citizenship." He stated emphatically that the Joe Grayson on the law book is the same as Joe Hutton, whose name appears upon the Dunn roll. In various other ways he testifies adversely to the applicant's claim.

Apparently Joe Hutton has been enrolled by you at No. 4378 and 4379, partial roll submitted with your letter of November 14, 1902.

-4-

It was attempted to be shown at the original hearing that the applicant, who was the slave of Katie Grayson, was admitted to citizenship in the Creek Nation in 1867, with the other slaves that belonged to her, as shown by the law book, but the witnesses stated no facts to show knowledge of his admission; they merely drew the conclusion from the fact that certain of Katie Grayson's slaves were admitted at that time; that the applicant must have been included in the act of the council.

The testimony at the rehearing does not throw much light on the subject. The only testimony introduced was on the part of the applicant. One witness stated that the applicant is a citizen of the Nation; that he "belonged to Katy Grayson--he bound to be;" .....that "there were Willie, Grayson and Mandy Grayson, they belongs to Kath Grayson: Well this Joe Grayson is right among them, admitted at the same time." .....He was "bound to be." ...."Well, you know he was the old Katy Grayson's darky, of course, and I know that is the one"--"they adopted all of Katy Grayson's."

Roley McIntosh, member of the Creek Council and a prominent citizen of the Nation, testifies for the claimant and states that he was not acquainted with the applicant at

the time that "he was adopted," but became acquainted with him afterwards and has known him since; that he (McIntosh) was a member of the Creek Council when the applicant and others were adopted, that among the number was a witness in this case, Dick Grayson, and a number of others; that to the best of his knowledge they belonged to Katy Grayson prior to the civil war; that after three attempts to adopt them by the council, the council finally took action in the matter, and adopted them; that he was at that time a member of the council; that he cannot state positively that the applicant is the same person who was adopted at that time, but there were others who were adopted at the same time who say this applicant is the same person as Joe Grayson on the law book.

The evidence is not sufficient to overcome the testimony given by Paro Bruner, and in fact it does not reasonably indicate that the applicant was admitted to citizenship as alleged. The fact that Joe Hutton's (or Joe Grayson's) name is on the Dunn roll and that he testifies that he was admitted to citizenship soon after the civil war, indicates that he is the Joe Grayson on the law book, as you have concluded. The fact that the applicant is not identified on any of the rolls of the Nation since 1867 is

against him, but this omission may be accounted for by the fact that he was mentally deficient, and was not able to see after his own interests.

The Department does not, however, feel warranted in affirming your decision, on the record as it stands. It considers that more satisfactory evidence should be produced for or against the claimant. Therefore, the testimony taken at the two hearings, and the papers attached thereto, are returned herewith, and it is requested that you have a further hearing in the case.

Respectfully,

Thos Ryan  
Acting Secretary.

3 inclosures.

Copy.

J.P.

DEPARTMENT OF THE INTERIOR.

WASHINGTON.

RAF.

ITD.2920  
2746-1903.

March 20, 1903.

LRS.

Commission to the Five Civilized Tribes,  
Muskogee, I. T.

Gentlemen:

Referring to your letter of March 7, 1903, acknowledging receipt of departmental letter of February 26, 1903, requesting an early report in the matter of the application of Joe Grayson for enrollment as a Creek freedman (case No. 92), you are advised that the case was received with the Commissioner of Indian Affairs' letter of March 13, 1903, having been received by him with your report of December 31, 1902. See letter to you, in the matter, of March 18, 1903.

The reason for your sending the Department a copy of your report and copies of the papers transmitted therewith, does not appear.

A copy of the Acting Commissioner's letter of March 17, 1903, transmitting your report of March 7, is inclosed herewith.

Respectfully,

Thos Ryan

Acting Secretary.

1 inclosure.

Copy

8878  
Creek En. 92.

Muskogee, Indian Territory, April 1, 1903.

E. Hastain,

Attorney for Joe Grayson,

Muskogee, Indian Territory.

Dear Sir:

May 18, 1901, the Commission denied the application of Joe Grayson for the enrollment of himself as a citizen of the Creek Nation, and said decision was affirmed by the Department, February 20, 1902. March 22, 1902, the Department directed that the applicant be given further opportunity to furnish evidence in the case. April 26, 1902, further testimony was submitted, and the Commission made report to the Department relative thereto, on December 31, 1901.

You are now advised that under date of March 18, 1903, the Department "considers that more satisfactory evidence should be produced for or against the claimant", and directs that a further hearing be had.

You are accordingly notified that on Thursday, April 16, 1903, the Commission, at its office in Muskogee, Indian Territory, will hear such evidence concerning said application as may be offered by or on behalf of the applicant.



2 N. Hastain.

You are further notified that the Creek Nation will, at the same time and place, be permitted to introduce evidence in the case.

Respectfully,

Chairman.

Copy

28.13  
Creek No. 92.

Muskogee, Indian Territory, April 1, 1903.

Arthur P. Murphy,  
National Attorney for the Creek Nation,  
Muskogee, Indian Territory.

Sir:

May 18, 1901, the Commission denied the application of Joe Grayson for the enrollment of himself as a citizen of the Creek Nation, and said decision was affirmed by the Department, February 20, 1902. March 22, 1902, the Department directed that the applicant be given further opportunity to furnish evidence in the case. April 26, 1902, further testimony was submitted, and the Commission made report to the Department relative thereto, on December 31, 1901.

You are now advised that under date of March 18, 1903, the Department "considers that more satisfactory evidence should be produced for or against the claimant", and directs that a further hearing be had.

You are accordingly notified that on Thursday, April 16, 1903, the Commission, at its office in Muskogee, Indian Territory, will hear such evidence concerning said application as may be offered by or on behalf of the applicant.

2 Arthur P. Murphy.

You are further notified that the Creek Nation will, at the same time and place, be permitted to introduce evidence in the case.

Respectfully,

Chairman.

Copy.

Creek En. 92.

Muskogee, Indian Territory, April 1, 1903.

Joe Grayson,

Care of Sam Grayson,

Bufaula, Indian Territory.

Dear Sir:

May 18, 1901, the Commission denied your application for enrollment as a citizen of the Creek Nation, and said decision was affirmed by the Department February 20, 1902. March 23, 1902, the Department directed that you be given further opportunity to furnish evidence in the case. April 26, 1902, further testimony was submitted, and the Commission made report to the Department relative thereto, on December 31, 1901.

You are now advised that under date of March 18, 1903, the Department "considers that more satisfactory evidence should be produced for or against the claimant", and directs that a further hearing be had.

You are accordingly notified that on Thursday, April 16, 1903, the Commission, at its office in Muskogee, Indian Territory, will hear such evidence concerning said application as may be offered by you, or on your behalf.



COMMISSIONERS

HENRY L. DAWES  
TANS BIXBY,  
THOMAS B. NEEDLES  
C. R. BRECKINRIDGE

ALLISON L. AYERSWORTH  
SECRETARY

Creek En. 92.

DEPARTMENT OF THE INTERIOR  
COMMISSION TO THE FIVE CIVILIZED TRIBES

ADDRESS ONLY THE  
COMMISSION TO THE FIVE CIVILIZED TRIBES.

Muskogee, Indian Territory, April 6, 1903.

RECEIVED, on this date, one copy of all the testimony had in the matter of the application for the enrollment of Joe Grayson, as a citizen of the Creek Nation, from the Commission to the Five Civilized Tribes.

*E. H. Gastain*

Atty. for Applicant.

Copy

898  
Creek No. 92.

Muskogee, Indian Territory, May 22, 1903.

Joe Grayson,

Care of Sam Grayson,

Eufaula, Indian Territory.

Dear Sir:

March 18, 1903, the Department directed that a further hearing be had in the matter of your application for enrollment as a Creek freedman. Further testimony was submitted, April 27, 1903, but the testimony offered at that time does not throw much light on the subject. In its letter remanding the case, the Department stated: "It (Department) considers that more satisfactory evidence should be produced for or against the claimant."

It is desired that the testimony of Joe Hutton be taken in the case.

Twenty days from date hereof will be allowed within which to have said Joe Hutton before the Commission at its office in Muskogee, Indian Territory, for the purpose of being examined under oath.

Respectfully,

Register.

Chairman.



Copy

8813  
Creek En. 92.

Muskogee, Indian Territory, May 22, 1903.

E. Hastain,

Attorney for Joe Grayson,

Muskogee, Indian Territory.

Dear Sir:

March 18, 1903, the Department directed that a further hearing be had in the matter of the application for the enrollment of Joe Grayson as a Creek freedman. Further testimony was submitted on the part of the applicant, April 27, 1903, but the testimony offered at that time does not throw much light on the subject. In its letter remanding the case, the Department stated: "It (Department) considers that more satisfactory evidence should be produced for or against the claimant."

It is desired that the testimony of Joe Hutton be taken in the case.

Twenty days from date hereof will be allowed within which to have said Joe Hutton before the Commission at its office in Muskogee, Indian Territory, for the purpose of being examined under oath.

Respectfully,

Chairman.

2878  
Creek No. 98.

Muskogee, Indian Territory, May 22, 1903.

A. P. Murphy,

National Attorney for Creek Nation,  
Muskogee, Indian Territory.

Sir:

March 18, 1903, the Department directed that a further hearing be had in the matter of the application for the enrollment of Joe Grayson as a Creek freedman. Further testimony was submitted on the part of the applicant, April 27, 1903, but the testimony offered at that time does not throw much light on the subject. In its letter remanding the case, the Department stated: "It (Department) considers that more satisfactory evidence should be produced for or against the claimant."

It is desired that the testimony of Joe Hutton be taken in the case.

Twenty days from date hereof will be allowed within which to have said Joe Hutton before the Commission at its office in Muskogee, Indian Territory, for the purpose of being examined under oath.

Respectfully,

Chairman.

DEPARTMENT OF THE INTERIOR

WASHINGTON.

J.P.

EAF.

ITD. 2746-1903.

August 24, 1903.

L.R.S.

Commission to the Five Civilized Tribes,

Muskogee, I.T.

Gentlemen:

Referring to departmental letter of March 18, 1903, relative to the application of Joe Grayson for his enrollment as a citizen of the Creek Nation, you are informed that the Department desires an early report from you in this case.

Respectfully,

(Signed) M.D. Miller

Acting Secretary.

Copy

2893

Creek No. 92.

McAlester, Indian Territory, September 9, 1903

The Honorable,

The Secretary of the Interior.

Sir:

The Department of the Interior, under date of March 18, 1903 (I.T.D. 2746--1903), returned the testimony taken and the papers attached thereto, in the matter of the application for the enrollment of Joe Grayson as a Creek freedman, with instructions that a further hearing be had in the case.

The Commission has the honor to report, that all parties in interest were notified that on April 16, 1903, such evidence as might be offered in the case would be heard. No appearances were made on that day, but on April 27, 1903, by agreement, testimony on behalf of the applicant was heard, none being offered on the part of the Creek Nation.

The Commission is of the opinion that the testimony submitted does not identify the applicant as the person whose name appears on the Creek Law Book as having been admitted to citizenship by the Creek Council in 1867, and respectfully recommends that the original decision of the Commission, rendered May 18, 1901, be approved.

The testimony taken at the two previous hearings and

2 Secretary.

the papers attached thereto, are herewith returned. Copies of the correspondence in the matter of the second rehearing, and the transcript of the testimony taken April 27, 1903, are herewith transmitted for Departmental consideration.

Respectfully,

Jams Bixby.

Chairman.

T. B. Needles.

Commissioner.

C. R. Brochinridge.

Commissioner.

Commissioner.

Through the Commissioner  
of Indian Affairs.

OCH-115.

289  
En. 92.

Muskogee, Indian Territory, January 4, 1904.

Sam Grayson,

Eufaula, Indian Territory.

Dear Sir:

The Commission is in receipt of your letter of December 26, 1903, concerning the application for the enrollment of Joe Grayson as a citizen of the Creek Nation.

In reply you are advised that a report in the matter was transmitted to the Secretary of the Interior September 9, 1903. When the Commission is informed of the action of the Department in the case you will be duly advised.

Respectfully,

Chairman.

Copy.

Land.  
58489/1903.  
81097/1903.  
5573/1904.

DEPARTMENT OF THE INTERIOR,  
OFFICE OF INDIAN AFFAIRS,

Washington, January 29, 1904.

The Honorable,  
The Secretary of the Interior,  
Sir:-

Referring to Department letter of January 23, 1904, (I.T.D. 365) forwarding to this office letter from Sam Grayson of Mufaula, Indian Territory, dated January 7, 1904, concerning the right of Joe Grayson to enrollment as a citizen of the Creek nation, I have the honor to enclose herewith a report from the Commission to the Five Civilized Tribes, dated September 9, 1903, transmitting the record relative to this case.

The Department first approved the decision of the Commission adverse to the applicant Joe Grayson. March 18, 1903, (I.T.D. 2746) the record was returned to the Commission with instructions to grant a further hearing in the case.

This hearing was had April 27, 1903 and the Commission is still of the opinion that this applicant is not identical with the Joe Grayson whose name appears in the Creek laws as having been admitted to citizenship in the Creek Nation by the National Council in 1867, and recommends that its original decision of May 18, 1901 be approved.

March 14, 1901 Joe Grayson testified that at the commencement of the war he was owned by Katie Grayson. On the same day Sam Grayson testified that said Joe Grayson was at the time mentioned owned by Katie Grayson and that Katie Grayson was his grand-mother. He further testified that the name of Joe Grayson should appear on the Dunn roll, for the reason that "all the other negroes that belonged to my grand-mother were on that roll"; that he had a cousin who might have tried to draw money as Joe Grayson; that said cousin is named Joe Grayson and that there was no doubt in his mind as to the identity of Joe Grayson, the applicant.

He also testified that he was acquainted with Joe Hutton; that he never knew him by another name than Joe Hutton.

G. W. Grayson on April 13, 1901 testified that "there is an Indian by the name of Joe Grayson, but then there was a negro by the name of Joe Grayson and he is the one whom I am here to talk about"; that he was acquainted with Joe Hutton and that Joe Hutton, who it appears is also known by the name of Joe Grayson is not identical with the applicant, and that he had known Joe Grayson over 40 years.

He also testified that Katie Grayson's slaves were adopted by the Cherokee Nation and that their names "were recorded in the law books".

The principal part of the testimony taken prior to April 27, 1903 is set forth in office report March 12, 1903, (land 33-36), to which attention is respectfully invited.

April 27, 1903, Pare Bruner testified that he was acquainted with Joe Grayson, the applicant; that he knew him as a little boy as the servant of Katie Grayson; that she bought him from a Cherokee



woman by the name of Nancy Brashar; that Joe Grayson did not leave the Indian Territory during the war; that he was a member of the Council in 1867 and that he was not admitted to citizenship in the Cherokee Nation while he was a member of the Council.

He seems to consider that Joe Hutton is identical with the Joe Grayson, whose name appears in the Creek laws as having been admitted by the Creek council in 1867. He says however, that he always thought that the slaves of the Katie Grayson family were recognized as citizens of the Creek Nation and that the only thing there was to prevent Joe Grayson from being so recognized was he did not have sense enough to contend for his rights.

Joe Grayson this applicant appears to also have been known by the name of Joe Chunta, and Mr. Bruner testified "while the truth is the light and the light is the way, Joe Chunta never was, I suppose, called before the Council and Joe Hutton was called before the Council. Joe Chunta was enrolled; there was nothing at all to bar him. He never was transferred from the Creek and he has always been living just like a full blood citizen. He did not belong to my town and outside of my town I cannot vouch for that."

The record in this case shows that after the close of the war several attempts were made by the Creek Council to adopt the slaves of Katie Grayson and that the Council finally did adopt them at the time Haley McIntosh was a member of the Council.

Roley McIntosh who was a member of the Council in 1867 believes that Joe Grayson, this applicant is the person who was adopted by the Council at that time and it seems to this office that his testimony should have more weight in deciding this case than the testimony of Pare Bruner, who was not a member of the Council at the time the Katie Grayson slaves were adopted.

This applicant was formerly the slave of Katie Grayson, while Joe Hutton, otherwise known as Joe Grayson was formerly the slave of Nancy Hutton, and it is not reasonable to presume that the Creek Council would adopt the slaves of Katie Grayson except Joe Grayson, and at the same time adopt Joe Hutton or Joe Grayson, who was formerly the slave of Nancy Hutton.

From the record in this case this office is clearly of the opinion that Joe Hutton, whose name appears on the Dunn roll and the one whose name appears in the Creek laws are not identical and that Joe Grayson, this applicant was adopted by the Creek Nation in 1867; that Joe Hutton also known as Joe Grayson was enrolled by J.W.Dunn.

All of the witnesses who appeared before the Commission April 26, 1902, swore that Joe Grayson, the applicant herein is the Joe Grayson who was adopted by the Council in 1867. Their testimony is still undisputed except insofar as the testimony of Pare Bruner is concerned, which testimony is considerably mixed.

In view of the record in this case, the office believes that Joe Grayson, the applicant in the case was admitted to citizenship by the National Council in 1867; that Joe Hutton was enrolled by J.W.Dunn as a citizen of the Creek Nation and it cannot therefore recommend the approval of the Commission's decision of May 18, 1901 adverse to the applicant. It is therefore respectfully recommends that the Commission be directed to enroll Joe Grayson, the applicant in this case as a citizen of the Creek nation.

Very respectfully, A.C.Tonner  
Acting Commissioner.

GAW/LM  
3 enclosures.

(Copy)

J.W.H.

I.T.D. 2746-1903  
840-1904.

DEPARTMENT OF THE INTERIOR, THE  
WASHINGTON.

February 17, 1904.

LRS

Commission to the Five Civilized Tribes,  
Muskogee, Indian Territory.  
Gentlemen:

September 9, 1903, you resubmitted the record relating to the application of Joe Grayson (Creek En. 92) for enrollment as a citizen of the Creek Nation, recommending that your decision of May 18, 1901, denying said application, be approved.

March 12, 1903, and January 29, 1904, the Acting Commissioner of Indian Affairs reported in the matter, and recommended in both reports that you be directed to enroll the applicant.

Pursuant to Departmental custom in such cases, you are directed to furnish the attorneys for the Creek Nation with copies of the Indian Office reports containing recommendations contrary to those made by you. Copies of said reports of March 12, 1903, and January 29, 1904, are inclosed herewith.

You will advise the attorneys for the Creek Nation that before final action is taken in the matter, they will be allowed thirty days from the date of your notice within which to be heard, and the attorney for the applicant ten days after service by the attorneys for the Nation of such papers as they may desire to submit in the case, to reply to same. The attorneys for both sides should be advised that all papers must bear proper evidence of service upon the opposite party.

Respectfully,

(Signed) Thos Ryan.

Acting Secretary.

2 inclosures.

843  
En. 92.

Muskogee, Indian Territory, February 29, 1904.

A. P. Murphy,  
Attorney for Creek Nation,  
Muskogee, Indian Territory.

Sir:

In the matter of the application for the enrollment of Joe Grayson as a Creek Freedman find inclosed copies of the Indian Office reports of March 12, 1903, and January 29, 1904.

In accordance with Departmental instructions you are advised that before final action is taken in the matter you will be allowed thirty days from date hereof within which to be heard, and the attorney for the applicant ten days after service by you of such papers as you may desire to submit in the case, to reply to same.

You are advised that all papers must bear proper evidence of service upon the opposite party.

Respectfully,

Commissioner in Charge.

HGR2.

189A  
En. 92.

Muskogee, Indian Territory, February 29, 1904.

E. Hastain,

Attorney for Joe Grayson,  
Tishomingo, Indian Territory.

Dear Sir:

In the matter of the application for the enrollment of Joe Grayson as a Creek Freedman, you are advised that in accordance with Departmental instructions the Attorney for the Creek Nation has this day been notified that he would be allowed thirty days from date hereof within which to be heard.

You are further advised that you will be allowed ten days after service of such papers as the Creek Attorney may desire to submit in the case, to reply to the same.

You are further advised that all papers submitted must bear proper evidence of service upon the opposite party.

Copies of the Indian Office reports of March 12, 1903, and January 29, 1904, are herewith inclosed.

Respectfully,

Commissioner in Charge.

ENC 1.

J. J. B.

Creek En. 92.

Muskogee, Indian Territory, April 9, 1904.

The Honorable,

The Secretary of the Interior.

Sir:

In the matter of the application for the enrollment of Joe Grayson as a Creek freedman, the Department, by its letter of February 17, 1904 (I.T.D. 840-1904), directed the Commission to advise the Attorney for the Creek Nation that before final action was taken in the matter thirty days would be allowed from date of notice within which to be heard, and the attorneys for the applicant ten days after service by the attorney of the Nation of such papers as he might desire to submit in the case, to reply to same.

February 29, 1904, the Attorney for the Creek Nation was notified that he would be allowed thirty days to be heard.

The attorney for the applicant was also duly notified of the Department's action.

Copies of the Commission's letters to the Attorney for the Creek Nation and the attorney for the applicant are herewith inclosed. No further action in the case has been taken by the Attorney for the Creek Nation.

Respectfully,

Through the Commissioner  
of Indian Affairs.

HGH

Commissioner in Charge.

(Copy)

DEPARTMENT OF THE INTERIOR,  
Washington,

J.W.H.  
FHE

I.T.D. 2746-1903  
840-1904.

April 11, 1904.

LRS.

Commission to the Five Civilized Tribes,  
Muskogee, Indian Territory.  
Gentlemen:

September 9, 1903, you resubmitted the record and papers in the matter of the application of Joe Grayson (Creek En.92) for enrollment as a citizen of the Creek Nation.

This applicant is of African descent. At the outbreak of the civil war he was the slave of a Creek citizen. His right to enrollment therefore depends upon paragraph 5 of section 21 of the act of June 28, 1898 (30 Stat., 495), in accordance with which he is entitled to enrollment if his name appears upon the roll of Creek citizens made by J.W. Dunn "prior to March 14, 1867", or, if he was "rightfully admitted by the lawful authorities of the Creek Nation."

The uncertainty in this case is due to the fact that there is in the Creek Nation a person of African descent, claiming enrollment as a Creek freedman, of the name of Joe Hutton, who also claims the name Joe Grayson. The name Joseph Grayson is found on the Dunn roll at No. 272, as a member of North Fork town. The name Joe Grayson is found on page 103 of the Creek law book, edition of 1893, in a list of persons adopted in 1867 by act of the National Council. It therefore becomes necessary to determine whether or not the applicant is identical in person with the Joseph Grayson or Joe Grayson whose names appear on said records.

Your decision of May 18, 1901, rejecting the applicants, was approved by the Department February 20, 1902. In your decision of 1901, you stated your reasons for rejecting the applicant as follows:

"It also appears that the said Joe Grayson has not been recognized as a citizen of the Creek Nation by the tribal authorities thereof or duly and lawfully enrolled or admitted as such and his name cannot be found upon the roll of Creek freedmen made by J.W. Dunn under authority of the United States or upon any authenticated roll of the Creek Nation now in possession of this Commission."

Upon subsequent showing the Department became satisfied that its decision of February 20, 1902, rested upon no positive basis; it therefore remanded the case on March 22, 1902, for further investigation, to permit the applicant, if possible, to establish his right to enrollment.

Upon the return of the case thereafter, it was found that the evidence was still too indefinite to warrant a final conclusion in the matter. Accordingly, on March 18, 1903, the Department again remanded the case to you, stating "That more satisfactory evidence should be produced for or against the claimant."

Inasmuch as the act of admission referred to above, and the Dunn roll, bear the date of 1867, it is important to bear in mind in considering the testimony of the witnesses, their age, their acquaintance with the applicant, their knowledge of the proceedings of the National Council, and their information concerning the Dunn roll,

as of that date, in order that the question of identity herein presented may be satisfactorily determined.

The applicant, Joe Grayson, was the first witness in the case. It appears that he is an old negro, incapable of transacting business and has been for years mentally incompetent. His testimony is given as having but little value either for or against his claim. From it, however, it appears that prior to the civil war he was the slave of a Creek citizen named Katie Grayson; that during the war Katie Grayson and her household, including the applicant, were absent from the Creek Nation and resided in the Choctaw-chickasaw country and in Texas, on the Red River, and that after the war they returned to the Creek Nation.

The second witness was Sam Grayson, who is a citizen by blood of the Creek Nation and who has held various positions of honor and trust therein. In 1867 he was about 17 years of age. He testifies that the applicant was a slave of his (witness') grandmother, Katie Grayson; that Katie Grayson and her household, including the applicant, were residents of the Choctaw Nation when peace was declared. He further testified that "In the spring of 1866 we all came back again." This witness believes that the names Joseph Grayson and Joe Grayson, contained on the records referred to above, refer to this applicant, by reason of his acquaintance with the parties who were admitted by the act of 1867. He has no definite knowledge, however, to that effect. He has been acquainted with the applicant continuously since the beginning of the civil war and prior thereto. This witness also testifies in regard to Joe Hutton, alias Joe Grayson. He states that prior to the war Joe Hutton resided in Texas and was the slave of a Creek woman named Hutton. He is certain that Joe Hutton and the applicant are not identical. In reference to the identity of the latter he says "I am just as positive as I am of my own existence."

The next witness on behalf of the applicant was G.W. Grayson, brother of Sam Grayson. His testimony in substance corroborates that of his brother. In addition, he explains that at the close of the war there were resident in the Choctaw Nation certain Creek families of the name of Grayson and McGilbray, as to whom it is uncertain whether or not they returned to the Creek Nation within one year after the ratification of the treaty of 1866, between the Creek Nation and the United States. According to his explanation, considerable difference of opinion existed as to whether or not the slaves of these families should be admitted as citizens of the Nation. To put the matter at rest, the act of the National Council was passed in 1867, having for its purpose the adoption of the slave members of such households. The witness cannot state definitely that the applicant is the Joe Grayson whose name appears in the act. He was, however, acquainted with the applicant at the time, as well as with the other slaves named in the act, and is positive that Joe Grayson, as well as the other persons named therein, was a member of the families whose adoption was intended by the act of admission.

The next witness was Paro Bruner. His testimony tends to show that the applicant is not entitled to enrollment. He was about 40 years of age in 1867. He testifies that the name of Joseph Grayson



on the Dunn roll and the name of Joe Grayson in the law book, refer to Joe Hutton. In answer to the question- "You can state positively then that this Joe Grayson on the law book is the same as Joe Hutton?" he answered- "Yes sir." This witness is a man of standing in the Creek Nation, and has held a number of high offices therein, including membership on the Colbert Commission. He testified also in regard to Joe Hutton. According to such testimony, it appears that Joe Hutton returned to the Creek Nation in time to be enrolled by Major Dunn, and that his name was placed upon the Dunn Roll. From the testimony of this witness taken May, 17, 1901, it clearly appears that he is of the opinion that the applicant Joe Grayson is not the person whose name appears upon the records referred to above. On April 27, 1903, however, at the last rehearing, he again appeared as a witness. From his testimony then taken it appears that he was not a member of the Council in 1867, and that he knew but little of its proceedings of that date, and in reference to the inquiry whether or not Joe Grayson applied for admission to the Council, prior to the time the witness became a member thereof, he answered- "I don't know what he may have done before I became a member of council." In reference to the right of Joe Grayson to enrollment, Mr. Bruner says- "Well, the truth is the light and the light is the way." Further in the examination he was asked if he was positive as to whether or not the Joe Grayson on the law book refers to Joe Hutton. He replied "No, I am not really positive. When I say Joe Hutton was there at the Council, it was in 1895 before the Colbert Commission. I was one of the Commissioners."

In this connection it should be noted that the record contains a transcript of the testimony of Joe Hutton, taken before the Colbert Commission. From that testimony it appears that he claims to be the Joseph Grayson whose name appears on the Dunn roll. He makes no claim, however, that he is the Joe Grayson whose name appears in the law book. He explains that he returned to the Creek Nation in time to take advantage of the treaty, and was enrolled by the Agent in 1867. In reference to admission by the National Council he stated: "When I came back to this country I was under the impression that I was coming back to my own country and had no idea that question would ever be raised as to my citizenship." When asked if the name Joe Grayson appearing in the law book referred to him, he replied- "My name is Joe Grayson, and I can't say whether that particular name means me or not."

The next witness on behalf of the applicant was Roley McIntosh. He has also held important offices in the Creek Nation, and was a member of the Council in 1867 when the act heretofore referred to was passed. He testifies that he was not personally acquainted with the applicant at that date, but has known him since for years. He states that it was a mooted question whether or not the Grayson and McGilbray families who were residents of the Choctaw nation at the close of the civil war, returned in time to entitle their slaves to enrollment as Creek freedmen. To settle the controversy the Council of which he was a member passed the act referred to. Mr. McIntosh understands that it was the purpose of the act to take care of cer-

-4-  
tain families; that the applicant was a member of one of those families, and that it is his name which appears upon the law book in the act.

The next witness was Dick Grayson. He has held a number of offices in the Creek Nation and was one of the members of the Grayson family adopted by the act of 1867. He was not present when the act was passed, admitting him and the other slaves of the Grayson family, but he is positive that the applicant, as well as himself, are the persons whose names appear in the act.

In this connection it should be noted that his identity rests upon no more substantial basis than that of the applicant, yet he has been accepted without question for years as a citizen by adoption of the nation.

After careful consideration of the testimony of these witnesses, it is believed that their testimony is sufficient to warrant the conclusion that there were a number of Creek families resident in the Choctaw Nation at the close of the civil war; that they subsequently returned to the Creek nation and were admitted by act of the National Council; that the applicant was a member of one of those families, and that the name Joe Grayson appearing in the act admitting said families refers to him.

Reporting in the matter at length on March 12, 1903, and January 29, 1904, the Acting Commissioner of Indian Affairs recommended that your Commission be instructed to enroll the applicant as a citizen of the Creek Nation. The Department concurs in said recommendation. Its original decision of February 20, 1902, rejecting the applicant, is therefore rescinded. You are accordingly directed to enroll the applicant as a citizen of the Creek nation.

February 17, 1904, copies of the Acting Commissioner's letters of March 12, 1903, and January 29, 1904, were sent you for the information of the attorney for the Creek Nation, in order to permit him to be heard concerning the views expressed therein. He has had more than the thirty days allowed in which to be heard, but, so far as the Department is advised, has made no further appearance in the matter. It therefore appears that this decision should be promulgated immediately upon receipt hereof.

Respectfully,

(Signed) Thos Ryan.

Acting Secretary.

8873

En. 92.

Muskogee, Indian Territory, April 20, 1904.

Honorable P. Porter,  
Principal Chief Creek Nation,  
Muskogee, Indian Territory.

Sir:

You are hereby advised that the Secretary of the Interior, under date of April 11, 1904, rescinded the decision of the Department of February 20, 1902, and directed that Joe Grayson be enrolled as a Creek Freedman.

Respectfully,

Chairman.

8819

En. 92.

Muskogee, Indian Territory, April 20, 1904.

E. Hastain,

Attorney for Joe Grayson,

Tishomingo, Indian Territory.

Dear Sir:

You are hereby advised that the Secretary of the Interior, under date of April 11, 1904, rescinded the decision of the Department of February 20, 1902, and directed that Joe Grayson be enrolled as a Creek freedman.

Respectfully,

Chairman.

Departmental letter taken  
from this jacket and returned  
to mailing office today. Com. No.  
5980.

Byrne

5/15/07

Mailing Office # 5980.

Enfola, Indian Territory.

Dear Sir:

You are advised that your name is mentioned in the partial list of Creek Freedmen approved by the Secretary of the Interior, June 28, 1904, and that application for a selection of land in the Creek Nation may now be made at the office of the Commissioner in Charge, Indian Territory.

Respectfully,

Commissioner in Charge

M-397

Muskogee, Indian Territory, December 16, 1905.

Honorable P. Porter,  
Principal Chief Creek Nation,  
Muskogee, Indian Territory.

Dear Sir:

On October 4, 1905, the Department granted authority for the cancellation of deed No.30219, in favor of the heirs of Joe Grayson, Creek Freedman Roll No.5464, on account of an error appearing in the description of the allotment covered by said deed. The principal Chief accordingly cancelled his signature to the old deed and executed a new deed covering the correct description on October 16, 1905.

The Department under date of November 11, 1905, approved deed No.30219 covering the correct description and it is, together with homestead deed No.30218, forwarded to you for delivery to the allottee in the usual manner.

Respectfully,

Enc. NEW 5-

Commissioner.

*Correct deed*



CR EN 93

CR EN 93

DEPARTMENT OF THE INTERIOR  
COMMISSION TO THE FIVE CIVILIZED TRIBES.  
Okmulgee, Indian Territory, March 20th, 1901.

In the matter of the application of J.S. Robison for enrollment as a citizen of the Creek Nation. J. S. Robison being duly sworn by Acting Chairman Bixby, testified as follows:

(Examination by the Commission).

- Q As a citizen of what Nation are you an applicant for enrollment? A Creek Nation.
- Q What is your name? A J.S. Robison.
- Q What is your age? A Little over 43, going on 44.
- Q What is your post office address? A McDermott.
- Q Have you ever been recognized by the tribal authorities of the Creek Nation as a citizen of the Creek Nation? A Yes sir.
- Q Have you ever been enrolled by the Creek tribal authorities as a citizen of the Creek Nation? A Yes sir.
- Q Does your name appear on the tribal rolls of the Creek Nation? A Yes sir.
- Q Where do you live? A A mile and a half south of McDermott in the Creek Nation.
- Q Do you make your residence there? A Yes sir.
- Q How long have you lived there? A The place where I live now about 12 years I suppose.
- Q What is your father's name? A Wm. Robison.
- Q Is he living? A No sir.
- Q Is his name on any of the rolls of the Creek Nation? A Yes sir.
- Q What town in the Creek Nation did he belong to? A Thlopthlocco.
- Q What is the name of your mother? A Adeline.
- Q Adeline Robison? A Yes sir.
- Q Is she living? A No sir.
- Q Is her name on any of the rolls of the Creek Nation? A Not as I know of.
- Q Of what Nation was she a citizen? A Chickasaw Nation.
- Q Do you know whether or not she was recognized as a citizen of the Chickasaw Nation? A No sir.
- Q Do you know whether or not she drew any money in their payments? A No sir, I do not recollect whether she drew any or not.
- Q Did she ever draw any money in the Creek Nation? A Not that I know of.

1890 and 1895 Authenticated rolls of the Creek Nation, Thlopthlocco Town examined and the name of Adeline Robison not found thereon.

- Q How long have you lived in the Indian Territory? A All my life.
- Q Have you been outside the Territory in the last three years? A No sir.
- Q Does your name appear on the 1890 Authenticated roll of the Creek Nation? A yes sir.

1890 Authenticated roll of the Creek Nation examined and the name of J. S. Robison found thereon at page 193.

- Q Does your name appear on the 1895 Authenticated Census roll of the Creek Nation? A Yes sir.

#2. J. S. Robison.

1895 Authenticated roll of the Creek Nation, Thlopthlocco Town examined and the name of J.S. Robison found thereon at number 3.

- Q What proportion of blood do you claim, Creek blood?  
A About 1/4.  
Q Are you married? A Yes sir.  
Q Under what law were you married? A The last time I was married, I was married under the United States law, I guess it is the Curtis law.  
Q Have you your marriage license and certificate which you now desire to present in evidence with this Commission?  
A I Have it at home.  
Q Where were you living at the time of your marriage? A I was at Wetumka, I had charge of the Wetumka Mission.  
Q What was your wife's name before she was married? A Mattie Alexander.  
Q Is she living? A Yes sir.  
Q Is she a citizen by blood of the Creek Nation? A yes sir.  
Q Is her name on any the 1890 authenticated roll of the Creek Nation? A I think so.  
Q Is her name on the 1895 authenticated roll, Census roll of the Creek Nation? A Yes sir.  
Q What town does she belong to? A Hickory Ground.  
Q Has she been enrolled by this Commission? A Not that I know of.

The records of the Commission show that Mattie Robison and her minor children, William R. Robison age 15, George H. Robison age 11 and Rufus M. Robison and 10 are enrolled on Creek Card, Field number 1908.

- Q Are these your minor children? A Yes sir.  
Q Are you a recognized citizen of the Chickasaw Nation?  
A I do not know.  
Q Does your name appear on the rolls of the Chickasaw Nation?  
A The Commissioners came there, I guess it appears on the roll.  
Q Have you ever drawn any money in the Chickasaw Nation?  
A Yes sir.  
Q When did you draw that money? A I think it was in '94.  
Q What money did you draw at that time? A My understanding is that it was some of the estate of our relation McClish, and the money was due to the heirs, but of course I didn't draw the money personally.  
Q Did you draw in any of the payments in the Chickasaw Nation?  
A That's the one money that I know of.  
Q If it should be found that you have heretofore been recognized by the tribal authorities of both the Creek and Chickasaw Nations, as a citizen of which Nation do you now elect to be enrolled and receive allotment of land, and distribution of moneys? A Creek Nation.  
Q Is there any additional statement in regard to your application that you desire to make at this time? A No sir, this is, if they find my name on the Chickasaw rolls, I would like for it to be erased.

You will be furnished at a later date with a copy of the decision of the Commission with reference to the application made by you at this time for enrollment as a citizen of the Creek Nation, which will be mailed to you at your present post office address at McDermott, Indian Territory.

#3. J. S. Robison.

Lena Cummings having been first been duly sworn, upon her oath, states that as stenographer to the Commission to the Five Civilized Tribes, she reported in full all proceedings had in the above entitled cause on the 20th day of March, A.D., 1901, and that the above and foregoing is a full, true and correct transcript of her stenographic notes, of said proceedings on said date.

Lena Cummings

Subscribed and sworn to before me at Okmulgee, Indian Territory, this 4<sup>th</sup> day of March, A.D., 1901.



Acting Chairman.

DEPARTMENT OF THE INTERIOR  
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application of J. S. Robison for enrollment as a citizen of the Creek Nation.

D E C I S I O N .

It appears from the record in this case that on March 20, 1901, J. S. Robison, aged 43 years, appeared before this Commission and made application for enrollment as a citizen of the Creek Nation; that he is a recognized citizen of the Creek Nation and that his name is found upon the 1890 and 1895 authenticated Creek rolls.

It also appears that Adeline Robison, the mother of said J. S. Robison, was a citizen of the Chickasaw nation and that the said J. S. Robison participated in the per capita payment made to Chickasaw citizens in the year 1894.

It further appears that the said J. S. Robison has elected to be enrolled and take allotment of land and distribution of moneys in the Creek Nation in accordance with the following provision of the act of Congress approved June 28, 1898, ( 30 Stats. 495).

"The several tribes may, by agreement, determine the right of persons who for any reason may claim citizenship in two or more tribes, and to allotment of lands and distribution of moneys belonging to each tribe; but if no such agreement be made, then such claimant shall be entitled to such rights in one tribe only, and may elect in which tribe he will take such right; but if he fail or refuse to make such selection in due time, he shall be enrolled in the tribe with whom he has resided, and there be given such allotment and not elsewhere."

It is therefore the opinion of the Commission that said J. S. Robison is a citizen by adoption of the Creek Nation and in accordance with the election made by him should be enrolled as a citizen of said Nation and it is so ordered.

The Commission to the Five Civilized Tribes.

Dated at Okmulgee, Indian Territory,  
this the 20th day of March, 1901.

  
Acting Chairman.

  
Commissioner.

  
Commissioner.

C O P Y .

Muskogee, Indian Territory, January 18, 1902.

The Honorable,

The Secretary of the Interior.

Sir:

There is herewith transmitted the record of proceedings in the matter of the application of S. J. Robison for enrollment as a citizen of the Creek Nation, including the decision of the Commission, dated March 20, 1901, enrolling said applicant as a citizen of said Nation.

Respectfully,

T.B.Needles.

Commissioner in Charge.

Through the Commissioner

of Indian Affairs. 8

1 enclosure.  
Creek-92.

C O P Y .

Washago, Indian Territory, January 13, 1903.

Mr. J. S. Robison,

McDermott, Indian Territory.

Dear Sir:

There is herewith enclosed a copy of the decision of the Commission to the Five Civilized Tribes in the matter of the application made by you for your enrollment as a citizen of the Creek Nation.

The decision, with a copy of the proceedings had in the case, is this day transmitted to the Secretary of the Interior for his review and decision. The final decision of the secretary will be made known to you as soon as the Commission is informed of the same.

Yours truly,

T.B.Needles.

Commissioner in Charge.

1 enclosure.  
J.S.R.  
Registered.



C O P Y .

Muskogee, Indian Territory, January 18, 1902.

A. P. McKellop, Esq.,

H. C. Reed, Esq.,

Attorneys for the Creek Nation.

Muskogee, Indian Territory.

Gentlemen:

There is herewith enclosed a copy of the decision of the Commission to the Five Civilized Tribes in the matter of the application of J. S. Robinson for enrollment as a citizen of the Creek Nation.

The decision, with a copy of the proceedings had in the case, is this day transmitted to the Secretary of the Interior for his review and decision. The final decision of the Secretary will be made known to you as soon as the Commission is informed of the same.

Yours truly,

T.B. Needles.

Commissioner in Charge.

1 enclosure.  
McK. & R.(29.)  
Registered.

(COPY)

Muskogee, Ind.Ter., May 6, 1902.

The Honorable,  
The Secretary of the Interior,  
Washington, D. C.

Sir:

In Departmental letter of March 5th, 1902, concurring in the decision of the Commission in the matter of the application of J. S. Robison for enrollment as a citizen of the Creek Nation, the Commission is requested to obtain the correct name of the applicant.

This office is this day in receipt of a letter from said applicant, in which he states that his full name is Joe Sephus Robison.

Yours truly,

T. B. NEEDLES.

Commissioner in Charge.

Through the

Commissioner of Indian Affairs.

Creek-93.

OCH.

(COPY)

13892

L.R.S.  
I.T.D.1186-1902.

F.

Department of the Interior  
Washington.

March 5, 1902.

Commission to the Five Civilized Tribes,  
Muskogee, I.T.

Gentlemen:

The Department has considered the application of J. S. Robison for enrollment as a citizen of the Creek Nation.

It appears that Robison is a recognized citizen of the Creek Nation; that his name is on the 1890 and 1895 authenticated rolls; that his mother is a citizen of the Chickasaw Nation, and that Robison participated in the per capita payment made to Chickasaw citizens in 1894. He elects to be enrolled in the Creek Nation, and you find he should be so enrolled.

In this finding the Department concurs.

The Commissioner of Indian Affairs in his letter of February 15, 1902, recommends that you be instructed to obtain the correct name or names of the applicant. This you are requested to do.

Respectfully,

THOS. RYAN.

Acting Secretary.

COMMISSIONERS  
HENRY L. DAWES.  
TAMM BIXBY.  
THOMAS S. NEEDLES  
C. R. BROCKINRIDGE

DEPARTMENT OF THE INTERIOR.  
COMMISSION TO THE FIVE CIVILIZED TRIBES.

REFER IN REPLY TO THE FOLLOWING

ALLISON L. AYLESWORTH.  
SECRETARY.

(COPY)

ADDRESS ONLY THE  
COMMISSION TO THE FIVE CIVILIZED TRIBES

Muskogee, Ind.Ter., April 2, 1902.

J. S. Robison,

McDermott, Ind.Ter.

Dear Sir:

You are hereby advised that the Secretary of the Interior, under date of March 5, 1902, affirmed the decision of the Commission, dated March 20, 1901, enrolling yourself as a citizen of the Creek Nation.

Yours truly,

C. R. BROCKINRIDGE.  
Commissioner in Charge.

Creek-93.

OCH.

COMMISSIONERS  
HENRY L. DAWES.  
TAMM BIXBY.  
THOMAS B. NEEDLES.  
C. R. BRACKINRIDGE.

ALLISON L. AYLESWORTH.  
SECRETARY.

DEPARTMENT OF THE INTERIOR.  
COMMISSION TO THE FIVE CIVILIZED TRIBES.

REFER IN REPLY TO THE FOLLOWING

(COPY)

ADDRESS ONLY THE  
COMMISSION TO THE FIVE CIVILIZED TRIBES

Muskogee, Ind.Ter., April 2, 1902.

A. P. McKellop, Esq.,

H. C. Reed, Esq.,

Attorneys for the Creek Nation,

Muskogee, Indian Territory.

Gentlemen:

You are hereby advised that the Secretary of the Interior, under date of March 5, 1902, affirmed the decision of the Commission, dated March 20, 1901, enrolling J. S. Robison as a citizen of the Creek Nation.

Yours truly,

C. R. BRACKINRIDGE.  
Commissioner in Charge.

Creek-93.

OCH.

COMMISSIONERS:

HENRY L. DAWES,  
TAMM BIXBY,  
THOMAS B. NEEDLES,  
C. R. BRECKINRIDGE.

ALLISON L. AYLESWORTH,  
SECRETARY.

DEPARTMENT OF THE INTERIOR,

COMMISSION TO THE FIVE CIVILIZED TRIBES.

ADDRESS ONLY THE  
COMMISSION TO THE FIVE CIVILIZED TRIBES

Muskogee, Indian Territory, FEB 1 1902 1902.

Received on this date from the Commission to the Five  
Civilized Tribes in the matter of the application of J. S. Robison  
for enrollment as a citizen of the Creek Nation.

A. P. M. Hecox

Attorney for Creek Nation.

Creek No. 93.

CR EN 94

CR EN 94



DEPARTMENT OF THE INTERIOR  
COMMISSION TO THE FIVE CIVILIZED TRIBES.  
Okmulgee, Indian Territory, March 20th, 1901.

In the matter of the application of Amos R. Robison for enrollment as a citizen of the Creek Nation. Amos R. Robison being duly sworn by Acting Chairman Bixby, testified as follows:

(Examination by the Commission).

- Q As a citizen of what Nation are you an applicant for enrollment? A Creek Nation.
- Q What is your name? A Amos R. Robison.
- Q What is your age? A Thirty-one.
- Q What is your post office address? A Wetumka, I. T.
- Q Have you ever been recognized by the tribal authorities of the Creek Nation as a citizen of the Creek Nation?
- A Yes sir.
- Q Have you ever been enrolled by the Creek tribal authorities as a citizen of the Creek Nation? A Yes sir.
- Q Does your name appear on the tribal rolls of the Creek Nation? A Yes sir.
- Q Where do you live? A I live three miles east of Alabama Station.
- Q Do you make your residence there? A Yes sir.
- Q How long have you lived there? A Just lived there about a year.
- Q Where did you live prior to that time? A I lived three miles north of that place.
- Q How long did you live at that place? A About twenty years. I guess.
- Q What is the name of your father? A Wm. Robison.
- Q Is he living? A No sir.
- Q Is his name on any of the rolls of the Creek Nation?
- A Yes sir.
- Q To what town in the Creek Nation did he belong?
- A Thlopthlocco.
- Q What town in the Creek Nation do you belong to? A Thlopthlocco.
- Q How long have you lived in the Indian Territory? A All my life.
- Q Have you been outside the Territory in the last three years?
- A No sir.
- Q Does your name appear on the 1890 authenticated roll of the Creek Nation? A Yes sir.

1890 Authenticated roll of the Creek Nation examined and the name of Amos R. Robison found thereon at page 195. 1895 Authenticated Census roll of the Creek Nation, Thlopthlocco Town examined and the name of Amos Robison found thereon at number 138.

- Q What proportion of Creek blood do you claim to have? A I guess about 1/4.
- Q Are you married? A Yes sir.
- Q Under what law were you married? A United States law.
- Q Have you your marriage license and certificate which you now desire to offer in evidence with this Commission? A I have them at home.

- Q Where were you living at the time of your marriage?  
 A Right where I am living.  
 Q What was your wife's name before she was married?  
 A Lizzie Chisholm.  
 Q Is she living? A Yes sir.  
 Q Is she a citizen by blood of the Creek Nation? A Yes sir.  
 Q Is her name on the 1890 authenticated roll of the Creek Nation? A Yes sir.  
 Q Was your wife and minor children been enrolled by the Commission? A I have no children.  
 Q Has your wife been enrolled by the Commission? A Yes sir.  
 Q Under what name was she enrolled? A Lizzie Chisholm.

The records of the Commission examined and the name of Lizzie Robison found to have been enrolled under the name of Lizzie Chisholm, on card 1917.

- Q Have you any children under twenty one years of age and unmarried for whom you now desire to make application for enrollment? A No sir.  
 Q Are you a citizen of any other Nation in the Indian Territory? A Chickasaw Nation.  
 Q Does your name appear on the Chickasaw tribal roll?  
 A My name was put on the rolls by the Dawes Commission.  
 Q Have you ever drawn any money in the Chickasaw Nation?  
 A I remember we drew one, the heirs of my mother's estate, that is my understanding.  
 Q Did you draw in any of the payments? A No sir.  
 Q Is there any additional statement in regard to your application that you desire to make at this time? A No sir.  
 Q If it should be found that you have heretofore been recognized by both the Creek and Chickasaw Nations, as a citizen of which Nation do you now elect to be enrolled and receive allotment of land and distribution of moneys? A Creek Nation.

You will be furnished at a later date with a copy of the decision of the Commission with reference to the application made by you at this time for enrollment as a citizen by blood of the Creek Nation which will be mailed to you at your present post office address at Wetumka, Indian Territory.

Lena Cummings having been first duly sworn, upon her oath, states that as stenographer to the Commission to the Five Civilized Tribes, she reported in full all proceedings had in the above entitled cause on the 20th day of March, A.D., 1901, and that the above and foregoing is a full, true and correct transcript of her stenographic notes of said proceedings on said date.

*Lena Cummings*

Subscribed and sworn to before me at Okmulgee, Indian Territory, this 23 day of March, A.D., 1901.

*[Signature]*

Acting Chairman.

DEPARTMENT OF THE INTERIOR  
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application of Amos R. Robison for enrollment as a citizen of the Creek Nation.

DECISION.

It appears from the record in this case that on March 20, 1901, Amos R. Robison, aged 31 years, appeared before this Commission and made application for enrollment as a citizen of the Creek Nation; that he is a recognized citizen of the Creek Nation and that his name is found upon the 1890 and 1895 authenticated Creek rolls.

It also appears that the said Amos R. Robison is a recognized citizen of the Chickasaw Nation and the records of this Commission show that his mother was a Chickasaw Indian by blood.

It further appears that the said Amos R. Robison has elected to be enrolled and take allotment of land and distribution of moneys in the Creek Nation in accordance with the following provision of the act of Congress approved June 28, 1898, (30 Stats. 495).

"The several tribes may, by agreement, determine the right of persons who for any reason may claim citizenship in two or more tribes, and to allotment of lands and distribution of moneys belonging to each tribe; but if no such agreement be made, then such claimant shall be entitled to such rights in one tribe only, and may elect in which tribe he will take such right; but if he fail or refuse to make such selection in due time, he shall be enrolled in the tribe with whom he has resided, and there be given such allotment and not elsewhere."

It is therefore the opinion of the Commission that said Amos R. Robison is a citizen by adoption of the Creek Nation and in accordance with the election made by him should be enrolled as a citizen of said Nation and it is so ordered.

The Commission to the Five Civilized Tribes.

Dated at Okmulgee, Indian Territory,  
this the 20th day of March, 1901.

  
Acting Chairman.

  
Commissioner.

Commissioner.

(COPY)

Muskogee, Indian Territory, January 18, 1902.

The Honorable,

The Secretary of the Interior.

Sir:

There is herewith transmitted the record of proceedings in the matter of the application of Amos R. Robison for the enrollment of himself as a citizen of the Creek Nation, including the decision of the Commission, dated March 20, 1901, enrolling said applicant as a citizen of said nation.

Respectfully,

T.B. Needles.

Commissioner in charge.

1 enclosure.  
Creek 94.

Through the Commissioner  
of Indian Affairs.

(COPY)

Muskogee, Indian Territory, January 18, 1902.

Amos B. Robinson,

Wetumka, Indian Territory.

Dear Sir:

There is herewith enclosed a copy of the decision of the Commission to the Five Civilized Tribes in the matter of the application made by you for the enrollment of yourself as a citizen of the Creek Nation.

The decision, with a copy of the proceedings had in the case, is this day transmitted to the Secretary of the Interior for his review and decision. The final decision of the Secretary will be made known to you as soon as the Commission is informed of the same.

Yours truly,

T. B. Needles.

Commissioner in charge.

1 enclosure.  
ARR-94.  
Registered.

(COPY)

Muskogee, Indian Territory, January 18, 1903.

A. P. McAllister, Esq.,

H. C. Reed, Esq.,

Attorneys for Creek Nation,

Muskogee, Indian Territory.

Gentlemen:

There is herewith enclosed a copy of the decision of the Commission to the Five Civilized Tribes in the matter of the application for the enrollment of Amos R. Robison as a citizen of the Creek Nation.

The decision, with a copy of the proceedings had in the case, is this day transmitted to the Secretary of the Interior for his review and decision. The final decision of the Secretary will be made known to you as soon as the Commission is informed of the same.

Yours truly,

T. B. Needles.

Commissioner in charge.

1 enclosure  
MAR-94.  
Registered.

(COPY)

13892

L.R.S.

I.T.D.1184-1902

1180-1902.

R

Department of the Interior.

Washington.

March 5, 1902.

Commission to the Five Civilized Tribes,

Muskogee, I. T.

Gentlemen:

The Department has considered the application of Amos R. Robison for enrollment as a citizen of the Creek Nation. On March 20, 1901, you found that the party should be so enrolled.

It appears that the applicant is a recognized citizen of the Creek Nation, enrolled on the 1890 and 1895 authenticated Creek rolls; that he is also a recognized citizen of the Chickasaw Nation, and that the records also show that his mother was a recognized citizen of the Chickasaw Nation by blood. It further appears that the applicant elects to be enrolled and take allotment of land and distribution of moneys in the Creek Nation.

On February 15, 1902, the Commissioner of Indian Affairs concurred in your recommendation that the applicant be enrolled as a Creek citizen.

The Department also concurring, your decision is affirmed.

Respectfully,

THOS. RYAN.  
Acting Secretary.

RMD.



COMMISSIONERS  
HENRY L. DAWES.  
TAMM DIXBY.  
THOMAS B. NEEDLES.  
C. R. BRACKINRIDGE.

ALLISON L. AYLESWORTH.  
SECRETARY.

DEPARTMENT OF THE INTERIOR.  
COMMISSION TO THE FIVE CIVILIZED TRIBES.

REFER IN REPLY TO THE FOLLOWING

(COPY)

ADDRESS ONLY THE  
COMMISSION TO THE FIVE CIVILIZED TRIBES

Muskogee, Ind.Ter., April 2, 1902.

Amos R. Robison,

Wetumka, Ind.Ter.

Dear Sir:

You are hereby advised that the Secretary of the Interior, under date of March 5, 1902, affirmed the decision of the Commission, dated March 20, 1901, enrolling yourself as a citizen of the Creek Nation.

Yours truly,

C. R. BRACKINRIDGE.

Commissioner in Charge.

Creek-94.

OCH.

COMMISSIONERS  
HENRY L. DAWES.  
TAMM BERRY.  
THOMAS E. HENKLE.  
C. E. BRECKENRIDGE.

ALLISON L. JOHNSON.  
SECRETARY.

DEPARTMENT OF THE INTERIOR,  
COMMISSION TO THE FIVE CIVILIZED TRIBES.

(COPY)

REFER IN REPLY TO THE FOLLOWING

ADDRESS ONLY THE  
COMMISSION TO THE FIVE CIVILIZED TRIBES.

Muskogee, Ind.Ter., April 2, 1902.

A. P. McKellop, Esq.,

H. C. Reed, Esq.,

Attorneys for the Creek Nation,  
Muskogee, Indian Territory.

Gentlemen:

You are hereby advised that the Secretary of the Interior, under date of March 5, 1902, affirmed the decision of the Commission, dated March 20, 1901, enrolling Amos R. Robison as a citizen of the Creek Nation.

Yours truly,

C. E. BRECKENRIDGE.  
Commissioner in Charge.

Creek-94.

OCH.

COMMISSIONERS:

HENRY L. DAWES,  
TAMM BIXBY,  
THOMAS B. NEEDLES,  
C. R. BRECKINRIDGE

ALLISON L. AYLESWORTH,  
SECRETARY.

DEPARTMENT OF THE INTERIOR,

COMMISSION TO THE FIVE CIVILIZED TRIBES.

ADDRESS ONLY THE  
COMMISSION TO THE FIVE CIVILIZED TRIBES.

Muskogee, Indian Territory FEB 1 1902 1902.

Received on this date from the Commission to the Five  
Civilized Tribes a copy of the record of proceedings in the matter  
of the application of Amos R. Robison for enrollment as a  
citizen of the Creek Nation.

A. P. M. Keefe

Attorney for Creek Nation.

Creek No. 94.

END  
OF  
ROLL

